Gulag Archipelago—a review *Joshua Rubenstein*

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A Journal of Politics and the Arts—June 22, 1974, 50 cents

Tapes and the Court
Nathan Lewin

Abortion & the Law—II
THE EDITORS

On Voting Democratic
GERALD W. JOHNSON

A New Breed of Fish
MILES BENSON

Somebody's Lying
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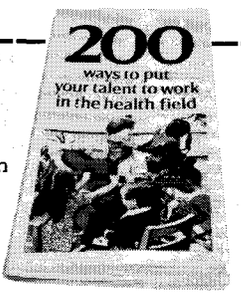

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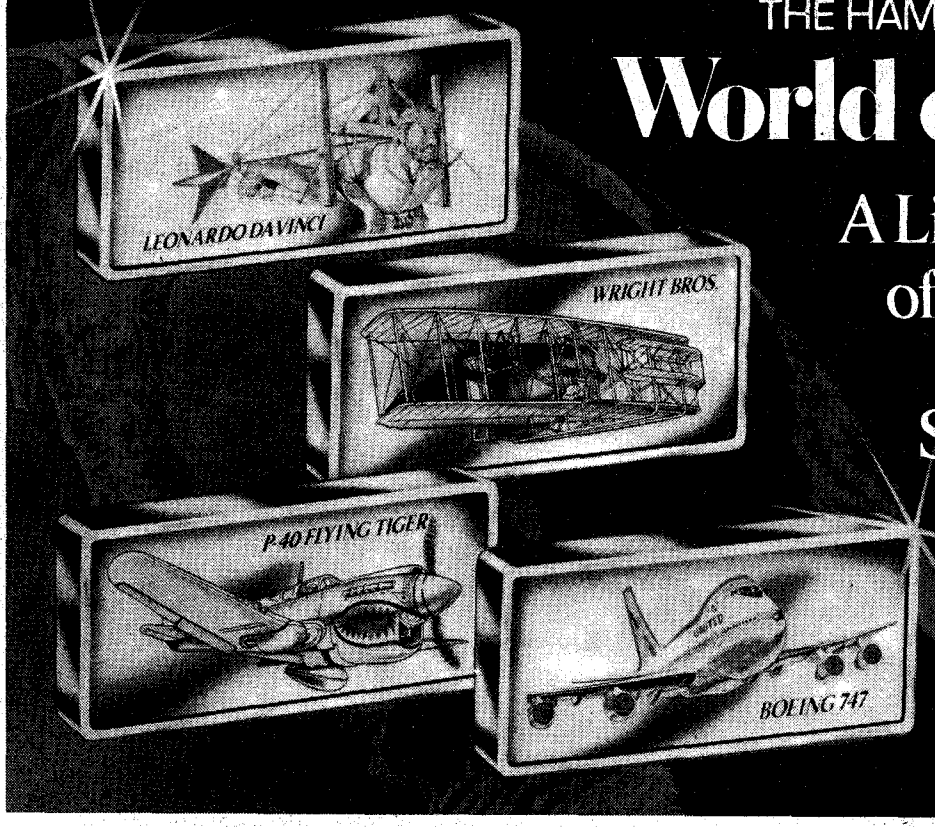

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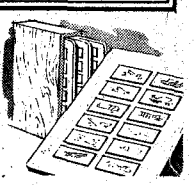

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TRB

from Washington
June 22, 1974

Melodrama

The administration is putting on a tear-jerker morality play here in Washington these days and I hope you are all edified by it. If we didn't have this performance you might be thinking about something serious, like inflation and what it's doing to your pocketbook, and the poor, and the old folks, and the chances of putting the kids through college. I will come back to that in a minute. But first a look at the heartthrob drama; a little tremolo music please.

There is this federal chief law enforcer, Attorney General Kleindienst, for example; all he did was to lie under oath to the senators confirming him and he has been treated with admirable compassion. Special Prosecutor Jaworski allowed him to plead to a lesser charge instead of perjury because, after all, he is a member of the legal profession and held a role of supreme trust. So when it came to sentencing him the judge gave him a one-month sentence (suspended) and a $100 fine and his eyes moistened as he told defendant that he was a man of "highest integrity" betrayed by a "heart that is too loyal." Defendant broke down, too. (Three Jaworski staff members resigned, but there are always these recalcitrants.)

This is only the latest scene in the touching drama. There was also that fine, handsome man Spiro Agnew who was Vice President, you remember him. There was only one drawback about him, he was a crook. But so what? The Justice Department let him off after a behind-the-scenes interval of plea-bargaining, with a *nolo contendere* (no contest) plea, which the judge explained was "the full equivalent of a plea of guilty." It is the Cubans who go to jail.

We should not slight Mr. Nixon himself. He has warm sympathy from supporters in his various plights. After all, he is manfully turning back every cent of that half-million-dollar income tax overwithholding. And he got large crowds abroad as our first unindicted co-conspirator presidential envoy.

Henry Kissinger's temperamental outburst in Salzburg damaged him, and it is too bad. He is about the only person with humor in this joyless administration. We deplored his wiretaps of subordinates, but had assumed that he was led astray by the gang he was working for. Dispatches noted that he was "close to tears." Alas, it is a lachrymose administration.

America is a sentimental nation, always ready with a lump in its throat. This applies to Mr. Nixon's ultimate tough guy, "Chuck" Colson, who thought up those entertaining dirty tricks on his opponents, like prompting Howard Hunt to doctor State Department documents to make it seem that President Kennedy had planned the murder of President Diem of South Vietnam. Funny things like that. We always feel that there is good in every man: Colson has zest and brio, and now this man who told his staff that he would walk over his own grandmother to elect Mr. Nixon has got religion. It should be an inspiration to us. Sen. Hughes of Iowa, who is leaving the Senate to become an evangelist, says of Colson's new outlook that he is "a baby in Christ." There are few scoffers left today, fortunately, like Mencken or Rabelais, to jeer at honest emotion.

Where *did* they jail those Cubans?

While the Watergate melodrama rolls along, and even following President Nixon to Cairo in Kissinger's resignation threat, two quite extraordinary things have happened on the inflation front. Italy all but declared itself insolvent and threatened anew the possibility of a worldwide, trade-war-financial smash. At the same time in the House, one of the most powerful men in Congress, Wilbur Mills, chairman of the Ways and Means Committee, unexpectedly came out for a reimposition of wage-price controls.

On the international front the situation is shaky with industrial countries all sharing much the same problems and each thinking itself uniquely unfortunate. Oil prices quadrupled after a brief global boom, 1972-73, blew its top. Purchasing power is reduced because $50-$60 billion have gone into higher energy costs and inflation everywhere is frightening. Each nation is thinking about recouping its losses and curing its unfavorable trade balance by exporting more goods, which means putting itself into the black by putting somebody into the red. Few people realize just how treacherous the world situation is. The temptation is to grab the protectionist bottle and drown your troubles. Washington is no exception. To some it recalls 1929. The United States passed the Hawley-Smoot tariff and the doomed Hoover signed it. That brought a world trade war and helped produce Hitler.

On the domestic front, meanwhile, conservative Mills' sudden embracing of wage-price controls is quite extraordinary. He knows as well as anyone that this is about the most unpopular course that could be offered. But in a quiet, effective speech he showed that he is frightened—frightened as Chairman Arthur Burns of the Fed, who says that present 12 percent inflation puts the country "in jeopardy." Mills says that if we don't control the problem, "our country will suffer terribly."

Mills wants an austere federal budget; he is willing to make tax concessions to help the poor meet skyrocketing costs but only if a larger amount is raised by closing tax loopholes. Organized labor will fight Mills' proposal, for the average industrial worker's family is about six percent behind where it was a year ago in real spending power, and it doesn't want its catch-up drive frozen by controls. Like the "Cubans" mentioned above, the poor and defenseless always suffer most. Wealth at the rate of $10 billion annually is now flowing from the lowest three-fifths of America's income groups to the richest one-fifth. Taxes are preposterously unfair: fewer than one percent of the people currently own over 50 percent of the corporate stock in the country.

It is hard to see that Mr. Nixon, beleaguered as he is, has any plan. He assured the country the other day that "the effects of the recent oil shortage have passed." He is the same man who called the doubtful Smithsonian international agreement on fixed rates of exchange in 1971 "the most significant monetary agreement in the history of the world." (It has collapsed.) Treasury Secretary Simon seems eager to put the economy through the wringer—let unemployment rise where it will. Certainly there is no easy solution. But Rep. Mills' approach seems more comprehensive and somewhat more compassionate.

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Abortion and The Law—II

Our comment on a proposed constitutional amendment banning abortion (May 18, 1974) provoked a response from readers (see *Correspondence)* that shows how high feelings run and how much earnest thought the subject is receiving. Rereading what we wrote, it seems to us we were deficient on two counts. First, we said that the proponents of a national ban, in particular the Roman Catholic hierarchy, were engendering "an ugly confrontation not only with the Supreme Court, but also with a large segment of Protestantism and reform Judaism." That much is true. What is not true is that religious or other groups should shut up rather than risk conflict. We should have made clear—and didn't—that tolerance is not the same as indifference, and that the ecumenical spirit is sterile if it requires any group to deny its sincere convictions; to which we would only add that the ecumenical spirit *is* offended by fanaticism. Our May 18 comment could also have been read to mean that moral concerns ought not be written into law, if there is a substantial body of opinion that takes a contrary view of the morality being legislated. We should have noted—and didn't—that law does express moral convictions, and that it is as absurd to say society cannot rule on right conduct as it is to say that law guarantees right conduct. There are statutes regulating everything from bigamy to drug peddling, and finally to killing—some of which is murder and some not; the discriminations are moral ones. The majority can and often does outlaw what it finds offensive.

And yet there must be self-imposed constraints on a majority's power to impose moral judgments. Whether we're dealing with nudity, drug use or abortion, the practical question is how far it is wise to go in laying down legal thou-shall-nots. If there are no limits on what is proscribed, we have a theocracy, however majoritarian it may be, and a police state. The whole moral life of man, or so it has been thought in free societies, is not to be subsumed by law. Experience may prove one wrong, and others right, which is one reason why we draw lines beyond which the state does not encroach on private choices. Society sensibly refrains from intruding too crudely on decisions that are deeply personal and does not forbid everything it may find objectionable.

Most would probably agree that it would be better for an unwanted child not to have been conceived than to be aborted after conception;

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and most of us would also agree that there are many unwanted children—unwanted by parents or unwanted in the more impersonal sense of the community's recognition of the peril of uncontrolled population growth. But what is society to do about the fact of unwanted children? If the proponents of "the right to life" are disposed to recommend or tolerate the use of contraceptives, their opposition to abortion can not then be construed as approving birth at whatever price to parents or society. Many of the proponents of a "right to life" amendment, however, adamantly object to the prevention of conception by what they call "artificial" means—many, we say, but not all; just as not all those who are alarmed by the prevalence of abortions favor an absolute ban. For example a discriminating article in *Commonweal*, May 31, 1974, by a Jesuit, the Rev. Daniel A. Degnan, professor of jurisprudence at Syracuse University Law School, suggests "laws which would allow for some abortions, but which would attempt to restrict the taking of fetal life in both the middle and later months of pregnancy."

Some farfetched analogies have been introduced into this debate that are as lacking in sense as they are in charity. If one condones abortion of fetal growth at one stage or another, it does not follow that one is preaching a Hitlerian policy of genocide. In addition there are ambiguities in the "right to life" position that have had too little disinterested discussion. For example, is absolute opposition to abortion—bootleg or professional—premised on belief in an absolute right to existence (assuming, as it is assumed, that existence begins with conception)? And if that is one's premise, does it follow that no war is ever justified? Or are we being asked to believe that capital punishment is immoral and that it, like abortion, should be outlawed? (This journal believes it should.) Would the opponents of all abortions rule out preventing birth when there is little reasonable doubt that the child to be born will be monstrously defective? And how does advocacy of "the right to life" relate, if it does, to the question of the right to die? Should doctors and patients and their families be legally required to sustain existence as long as possible, however painful or hopeless?

As matters now stand, two sets of believers are blasting away at each other, each flying the flag of reverence for life. From the perspective of public policy, what is the core of the dispute? It is not whether abortion is immoral; it is whether it should be illegal. Of course anyone has a right *not* to abort, or to counsel others against abortion. The disagreement centers on what positively is to be allowed, on whether a private decision between parents and sanctioned by a physician will be tolerated by society, or will be classified as criminal and punished accordingly.

Finally whatever one thinks of abortion itself, there is a quite separate question posed by the call for a constitutional amendment. When the Supreme Court described differences of opinion over when life begins as "metaphysical speculation," it may have had in mind not only real differences among us as to when a baby is a baby, but also whether it is prudent to give anyone's answer to that question a constitutional validation. In our judgment, it would be imprudent. The Constitution was not meant to deal with every contingency. It does not, for example, forbid segregated lunch counters, but rather guarantees the equal protection of the laws. Alexander Hamilton expressed that distinction by saying that, "Constitutions should consist only of general provisions; the reason is that they must necessarily be permanent, and that they cannot calculate for the possible change of things." Wisely (the 18th Amendment excepted), the United States has respected Hamilton's counsel and not frozen into fundamental law particular and often passing moral preferences. It was not, we should recall, the Constitution that outlawed bigamy, but state legislatures; the Constitution says nothing about bigamy. Sen. Buckley's proposed amendment is therefore unsatisfactory not only because we ought to practice an economy of moral imperatives, but also because it overloads the Constitution. It is arguable that the Supreme Court did likewise by basing its abortion decision on constitutional grounds. But decisions of the Court can be reversed or more commonly modified. Specific constitutional language can only be repealed through the sort of travail that it took to free the country from the 18th Amendment.

A more considerate approach than Sen. Buckley's, one more in harmony with American varieties of belief and with the reality of changing values comes from the editors of *Commonweal* in their May 31 issue: "In a society as diverse as ours, such an absolute ban would be impossible, as well as ill-advised, and the other members of any broad coalition of moral concern could not conscientiously accept such a total ban. Working together, however, it would be possible for Catholics and others opposed to wholesale abortion to map a prudent course which would permit abortion only for serious cause, while at the same time applying full and effective help for women who are willing to have their babies."

We would interpret "for serious cause" quite broadly.

COMING: John Osborne's accounts of the President's trips to the Middle East and the Soviet Union

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Kissinger and Taps

At his June 6 State Department press conference Secretary of State Henry Kissinger could have calmly and forthrightly dealt with the questions raised about his role in the wiretapping of his National Security Council staff aides and newsmen. Instead he initially ducked, dodged, and appeared surprised and annoyed that he would be subjected to such interrogation. Five days later, in an extraordinary meeting with newsmen in Salzburg, he gave a rambling, sometimes ambiguous, account of his role in the seamy internal security activities that have marked the Nixon administration. And then he added the petulant postscript that he would resign if his name were not finally cleared and the questioning halted.

The angry overreaction was so unbecoming and unnecessary that it gives rise to further unflattering speculation. Was he indeed blameless? Or is it possible that his demand for vindication was calculated to produce a wave of sympathy and support that just might wash over the President as well? Whatever the reasons for the outburst, this was the background.

On May 9, 1969, Kissinger met with the President in Key Biscayne where he complained bitterly about a story in that day's *New York Times* which described the highly secret Cambodian bombing operation. That same morning Kissinger telephoned FBI Director Hoover in Washington and asked for an investigation into the source of the leak. Later that day, the President, Hoover and Attorney General Mitchell discussed how the inquiry should be undertaken. According to former Attorney General Elliot Richardson, the proposal to wiretap was made by Hoover, who said it was "a technique that had been used in other comparable instances." The decision to authorize the taps was Mr. Nixon's, although, says Richardson, "for the purposes of the form submitted to the Attorney General, [Kissinger] is in some cases identified as the originator." Kissinger now says he did not disagree with the procedure, that he supplied the names of aides who subsequently were wiretapped, and that he received reports summarizing conversations when national security was discussed. He also says that he "may have taken an exaggerated view of them [the leaks]."

At first Kissinger gave the impression that he only submitted names, not knowing the individuals named would be tapped. He later admitted that he did know they were to be tapped. The Secretary also told the senators initially that he did not receive wiretap reports after May 1970. He has since said he got some of them later than that.

A number of unanswered questions remain: Why was a tap kept on Morton Halperin's phone long after he left Kissinger's staff to work on Sen. Edmund Muskie's presidential campaign? Who ordered the taps ended and why? What was the role of the President? Perhaps most interesting of all, why didn't Kissinger testify fully and frankly on this matter last September during his confirmation hearings before the Senate Foreign Relations Committee?

Revenue Sharing

Early stories on federal revenue sharing—signed into law in October 1972—dealt with oddities, the building of golf courses and swimming pools, the little towns that returned their Washington checks uncashed because they didn't want to get involved with federal computers. Then for a while the subject sank from view in the seas of Watergate; now it has reappeared. David Broder of *The Washington Post* writes that Democratic congressmen are disenchanted with sharing the federal wealth this way, and he speculates that many freshmen in the new Congress may want to scrap it. Rep. John Brademas (D, Ind.), chairman of the House Select Committee on Education, told the recent Governors Conference in Seattle that revenue sharing is not achieving the goals set by Congress, a charge he supported by quoting a survey of 250 city, state and local governments. Prepared by the General Accounting Office, the survey shows that of the $1.374 billion passed along to those governments since revenue sharing began, only three-tenths of one percent has been spent directly on the handicapped, and only about one percent on children. A similar study done for Rep. Claude Pepper (D, Fla.) shows that two-tenths of one percent has gone into programs benefiting the elderly.

Critics of revenue sharing claim that federal funds are not being spent for the needy or for experimental projects as Congress intended, but rather on reducing the daily expenses of 38,000 do-little governments across the country. Congressmen who previously controlled categorical grant programs are angry at what they perceive as a double-cross by the administration: the revenue-sharing money that they were told would supplement older federal programs has become a replacement for many of them. They are furious not only about their loss of power; they believe the new revenue managers are less adventurous and more venal than those in Washington. This may be somewhat true but needn't remain so.

The GAO report quoted by Rep. Brademas notes that local governments veil the impact of revenue sharing by juggling their budgets: "Because every government can displace revenues raised from its own sources with revenue sharing funds, the reports may be misleading." Richard Nathan, a senior fellow at the Brookings Institution at work on a study of revenue sharing, makes the same point. Although local governments are asked to attribute their expenditures

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to a number of priority classifications such as health, public safety and recreation, Nathan says the "attributed" uses of revenue are not always the real uses. For example a city that wishes to reduce property taxes may simply report that its revenue-sharing funds are spent on education and not mention that the money formerly spent on education has been given back to the taxpayers. The Office of Revenue Sharing in the Treasury Department takes these spending reports at face value, and this, Nathan says, is "unsophisticated and unintelligent." For his survey Nathan has hired 23 field researchers—political scientists and journalists—who analyze local reports and the effects of federal dollars in 65 jurisdictions. Nathan's preliminary conclusion: "There has been a *substantial substitution effect* . . . that is to say, significant amounts of these funds have been used—not for new spending—but to cut taxes, hold down taxes, balance the budget, or avoid borrowing. . . ." In state budgets, he found that more than 64 percent of the federal revenue went to "substitutions" like tax cuts. The Revenue Sharing Office itself says that in the first year of the program, 44.7 percent of the governments reported that they had reduced or prevented tax increases, and 32.6 said they used federal money to avoid increasing the public debt.

The use of revenue sharing for tax and debt relief angers congressmen for another reason: as part of the federal system, the legislators bear the onus for collecting the income tax that local officials turn around and use to finance local tax cuts. This seems unfair to congressmen, and they question the need for such handouts. Critics are also upset about large amounts of federal revenue being used locally for "capital expenses" such as construction of fire houses and police stations, purchase of new equipment and road repair. The GAO report shows that 33 percent of last year's federal payments were in this category, compared with 16 percent spent on such capital outlays by local officials before revenue sharing. The critics feel this money should be spent for operation and maintenance of continuous programs that serve the community, not on one-shot construction jobs.

Local officials have their rebuttals ready. Kenneth Gibson, the mayor of Newark and a black, explained to the Senate subcommittee on intergovernmental relations last week that he had used his share of federal money to cut property taxes and was proud of it. In Newark, he said, the owner of a $20,000 house must pay $1700 in property taxes, a burden that's passed on to tenants in the form of high rents. In addition to draining family income, the high taxes scare away businessmen and land developers who locate instead outside city limits. Businesses inside the city must devote money to taxes that otherwise could be used for expansion. Lowering the property tax, Gibson said, was the most effective single step he could take to help the city's poor, and slow the flight to the suburbs. Three-quarters of the city operating budget is devoted to personnel costs, he said, and without revenue sharing he would either have to fire city employees or raise taxes. Moon Landrieu, mayor of New Orleans and spokesman for the National League of Cities, said that without revenue sharing he would have to cut back services 14 percent or raise taxes 14 percent, and "I wouldn't know where to increase taxes 14 percent with the limitations placed on us by the state legislature." Charles Wheeler, mayor of Kansas City, expressed similar frustration in dealing with his state government, and referring to Congress, he said, "the greatest thing we mayors have going for us is that you live in Washington, DC."

There may be no foolproof way to track the path of federal dollars as they move through local budgets, but there are other puzzles that Congress might be able to solve as it sits in Washington. Are the governments that most need the money getting it, and are they seeking local advice on how to spend it as required by law?

The complaints that deserve the most attention are those cited by Woodrow Ginsburg of the Center for Community Change, who spoke to the intergovernmental subcommittee on June 5. Together with the National Urban Coalition, the Center for National Policy Review and the League of Women Voters, the CCC is observing revenue sharing around the country. Already they have found that many recipients don't have budget hearings, or if they do, they hold them too close to the enactment deadline for the public to have any impact. Although every government that accepts federal money must advertise its "planned use report," the reports are often set in small type among the classified ads and legal notices where few people will find them. Some officials flatly refused to discuss the budget with the monitors. Others opened their books, but only during hours when most local people are working and can't take off. Ginsburg said that even the city of Cleveland with about $15 million in revenue sharing didn't invite public comment until after the big decisions had been made by the mayor and the budget was due for a vote. Local activists succeeded in prolonging the hearings, but they didn't alter the budget.

The revenue-sharing law only requires that money be handled according to the locality's regular budget procedure. That is not enough. Congress could refuse payments to any government that doesn't have open budget hearings, advance notice of budget proposals and the prominent publication of all notices. The other area where federal oversight is weak is preventing the use of funds for programs that violate federal anti-discrimination standards. The Office of Revenue Sharing now has two full-time employees policing compliance of 38,000 governments.

Finally a number of technical changes ought to be made in the formula by which the money is distrib-

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uted, a subject that Richard Nathan intends to discuss in the Brookings report this fall. He has already said that something should be done to reduce payments to New England county governments and Midwestern townships, which he says are essentially road commissions. Nathan would rewrite the formula to give more money to large cities, and he would cut back payments to small, wealthy districts. Congress should test a few suggestions like these and then give the program time to work itself out.

Land Use

We don't know what was said at a meeting in early February between President Nixon and Rep. Sam Steiger (R, Ariz.), but we do know that a $800 million land use bill that the President once called a "high priority" environmental measure was killed last week with White House connivance.

Environmental specialists—including the staff of the Department of the Interior, which helped draw up the bill—believe that rational planning by states and local communities to prevent haphazard urban sprawl is essential. A land use measure sponsored by Rep. Morris Udall (D, Ariz.) would have given $100 million a year for eight years to states willing to start planning to control the ugly spread of highways, gas stations and real estate developments. A similar bill was passed handily by the Senate a year ago, and the House Committee on Interior and Insular Affairs voted 26-11 for the Udall approach. However the House has just decided, 211-204, not even to debate the question. A switch by the administration, triggered by the meeting with Steiger, the bill's leading opponent, was decisive.

In Washington this summer nothing is untainted by impeachment politics, and land use is no exception. Rep. Udall has thought since February that the White House was playing games on a number of issues, the chips being the vote of representatives on impeachment. After the defeat of Udall's bill, he charged the President with "grandstanding for the right wing." "Absolute nonsense," said Rep. Steiger, a blunt-speaking cattle rancher, at a press conference: "The President never reversed his position; he just was never aware of what was in the committee bill when he endorsed land use legislation." Steiger maintains that the impeachment issue did not come up during his session with the President. He says he convinced Mr. Nixon that under the Udall approach, the federal government would get excessively entangled in what should be local land use decisions.

If the administration really did want some kind of land use law (and it gave *pro forma* support to a Steiger-backed weaker substitute) it failed, for it got nothing. The House vote probably ended consideration of the subject for the year. If the White House had seriously wanted a more limited measure than Udall's, it could have blocked the effort to table the issue entirely—four votes would have done it—and pushed for the Steiger substitute, or for amending the Udall bill. But if the White House cared less about what happens to land use than to picking up or nailing down some votes on impeachment, it performed competently.

The role of the Interior Department is a fascinating study in how the Nixon administration is doing business. When the Udall proposal was reported out of committee, Interior Secretary Morton hailed it and called for its early consideration. When the bill came to the House floor, Morton switched to the Steiger substitute.

At an angry press conference the day after the bill's defeat, Sen. Henry Jackson (D, Wash.), the chairman of the Senate Interior Committee, denounced the administration's "political hypocrisy" and said he would try to revive the land use issue this year by attaching the bill's provisions to some other measure that the administration finds indispensable.

Judiciary Republican

A New Breed of Fish

At this stage of the Nixon inquiry, Hamilton Fish, Jr., purebred Republican scion of four generations of Republican congressmen, sounds like the most likely vote for impeachment among the 17 members of the President's party who sit on the House Judiciary Committee. William Cohen, the young liberal from Maine, has been rated as a "probable" longer, but Fish sounds stronger. You get Fish on the fly in the corridor outside 2141 Rayburn Building where the impeachment inquiry is progressing more or less secretly behind doors guarded by three bored Capitol cops. Bells ring for a quorum call interrupting the committee. The 38 members break for the floor singly and in small groups. Newsmen who wait in the corridor for such moments pick off their favorite sources for hurried questioning. Fish now rates hot pursuit. His candor has been discovered and the impression is abroad that he doesn't give a damn anymore about anything but the evidence he hears on the tapes and reads in the fat black plastic-bound notebooks that now make a stack high as his shoulder. "Ham" Fish, who speaks for New York's 25th congressional district, is the biggest man on the committee physically, six feet four inches tall, 48 years old, Ivy Leaguer son of FDR's one-time

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nemesis ("Martin, Barton and Fish") and Washington's current resident descendant of the Revolutionary War family that has sent a Hamilton Fish to Congress in every generation in unbroken succession for 131 years.

Great great grandfather Fish, Nicholas, was a Federalist friend of Alexander Hamilton, fought with him at Yorktown and with Lafayette's Virginia Army, ran for Congress and was defeated. But he named a son after his friend Hamilton, and that first Hamilton Fish still rates as the big Fish, the king Fish, of the family in terms of political accomplishment: Whig member of the House of Representatives in the 28th Congress, senator in the 32nd, 33rd and 34th Congresses, Secretary of State and the only ornament in U. S. Grant's lackluster cabinet. His son, Hamilton Fish, served a single term in the 61st Congress, lost a race for the 62nd as a Bull Mooser, but sired another Hamilton Fish who served in the House from 1920 to 1945. This Fish co-authored the 1922 resolution supporting establishment of the state of Israel, headed the Special Committee to Investigate Communist Activities in 1930, made the motion to declare war on Japan after Pearl Harbor, and fought a continuing political war of his own with Roosevelt on foreign and economic policy. Today, at 86, he's rooting loudly for Nixon. He placed an advertisement in *The New York Times* on May 24, six columns wide down the length of the page, headlined: "A non-partisan letter to the American people." The letter was written by Louisiana Dixiecrat Otto E. Passman. But the sponsor was an organization called "Operation Freedom," Hon. Hamilton Fish, president. A sample passage: "What crime has our great President committed to warrant the abuse heaped upon him by lunatics, liberals and bloodthirsty haters and in many cases, misguided good Americans?"

Somewhere among those categories, presumably, falls his son, now in his second term, sitting seven seats down in seniority from the top of the Republican pecking order on Judiciary. In his cramped office in the Longworth Building (his father would have rated a suite in Rayburn) Fish acknowledged his father's views with a tolerant shrug and a smile and the observation: "He's an unreconstructed Nixon man." This Fish feels no party obligation to defend Nixon. At the conclusion of the initial evidentiary hearings dealing with Nixon's role in the Watergate break-in and cover-up, he said: "It's unfortunate that the President for all his protestations of innocence didn't give us a chance to clear him." While other Republicans balk at the notion of impeaching the President on the strength of adverse inferences as a substitute for the evidence in the tapes Nixon is withholding in the face of committee subpoenas, Fish has no trouble with that legal concept, or with holding Nixon in contempt for defiance of the writs. What is involved, he says, is not just contempt of the committee or contempt of Congress: "It is contempt of the Constitution." Like most Democrats Fish subscribes to a broad definition of impeachable offenses that includes gross abuses of power and violation of the oath of office. Fish differs, however, with committee Chairman Rodino on who should hear the tapes. Rodino believes they should be played aloud only for members of Congress who will decide on impeachment. Fish thinks the public should hear them, impeachment or no impeachment. "Any material from any source of whatever nature that is the basis for a finding by this committee one way or the other should enter the public domain," he argues. "If it doesn't, there will be no credibility for the committee's decision."

Fish won his House seat in 1969 after a stiff primary campaign against an assistant district attorney named G. Gordon Liddy. Liddy, who wore no mustache in those days, papered the district with posters of himself in shirtsleeves, beaming a police cruiser's spotlight into the darkness, a crime fighter's image. After the election Fish, at Liddy's request, wrote a letter of recommendation to the Treasury Department where Liddy finally was hired. From there Liddy went to the White House as a member of the special investigative unit known as "the plumbers," and then on to the Committee to Re-Elect the President where he concocted plans for political spying, blackmail and kidnapping that made even the toughest White House aides gag. All during this period Fish was compiling a moderate voting record as an obscure new Republican member of Congress. His two chief legislative accomplishments: passage of a bill preserving as a national edifice the birthplace of Martin Van Buren in Columbia County, NY, and the expansion of the memorial Tomb of the Unknown Soldier in Arlington National Cemetery to include a casualty of the Vietnam war, a requirement that has created a problem for the Department of Defense, which continues to insist there are no unknown soldiers from that conflict, hence no remains to place in the tomb.

Now Liddy is behind bars and Fish is sitting in judgment on President Nixon's guilt or innocence in the Watergate conspiracy and a number of other matters that may involve impeachable conduct. Emerging from the hearing room, Fish squints into the glare of television lights. The reporters and 16 cameramen move in. Aboard an elevator, Fish stretches out a long arm and slaps the shoulder of Rep. Frelinghuysen of New Jersey, who is not a member of the Judiciary Committee. "Your ancestor voted for impeachment, Peter. Do you believe in precedent?" Frelinghuysen, whose great-great-grandfather, Sen. Frederick Theodore Frelinghuysen, voted to convict Andrew Johnson in 1868, thinks precedent is irrelevant. So does Fish.

Miles Benson

The writer is a reporter for the Newhouse newspapers who has been covering the Rodino committee.

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Was It Only John Dean?

Somebody's Lying

by Walter Pincus

The President has again told the House Judiciary Committee it doesn't need any more tapes of White House conversations; instead it should call "live witnesses who can place existing evidence in perspective, and subject them to cross examination."

Now there's one thing characteristic of almost every one of those Watergate "live witnesses": at one time or another each has lied about himself or others. Last month the White House itself raised doubts about the truthfulness of one of them—the President's former counsel, John Wesley Dean III—in a 32-page study comparing Dean's statements before the Ervin committee with the released transcripts of conversations between Dean and the President. The White House study called attention to contradictions and omissions of major and minor proportions. But Dean is not the only witness whose statements under oath before the Senate committee or some other investigative body appear to conflict with tape transcripts disclosures or other information. Let's take John Ehrlichman and H. R. Haldeman and put their evidence "in perspective."

Why did the March 21, 1973 meeting between Dean and the President take place? Dean has testified that when Watergate conspirator E. Howard Hunt began to make heavy money demands on the White House, he, Dean, thought he had to warn the President that the staff-run cover-up was endangered and that some key decisions had to be made by the President himself. But before talking to Mr. Nixon, Dean spoke to Ehrlichman and Haldeman. So both knew in advance what Dean had on his mind.

On the evening of March 20, 1973 the President telephoned Dean for a report on the Senate Judiciary Committee's confirmation hearing that day on FBI Director L. Patrick Gray. During that call Dean said he needed 30 minutes to speak to the President "of facts so that you operate from the same facts everybody else has." Dean said the President had only been given "bits and pieces" about Watergate, and that he, Dean, wanted to "paint the whole picture for you, the soft spots, the potential problem areas . . . so that when you make judgments you will have all that information." The March 20 transcript leaves no doubt that it was Dean who initiated the next day's meeting. The President gave him the time because, as Mr. Nixon said that night, "I want to know where all the bodies are buried."

When the cover-up later collapsed and Dean became a witness for the prosecution, Mr. Nixon, Haldeman and Ehrlichman did not want their erstwhile colleague to be given credit for prying off the lid on March 21. So in his sworn deposition, Haldeman said he believed the President *ordered* Dean to report to him in full on March 21, because Mr. Nixon had begun to suspect something was wrong. Haldeman modified that opinion somewhat when he appeared before the Ervin committee: "I have the feeling that during this period [February-March 1973] the President was gradually getting more of a feel of the possibility that there might be some problems involved in the Watergate matter that he had not even dreamed of and that that led to the meeting of March 21, in which John Dean was going to give the President the full story."

In their March 20 telephone conversation, the President had asked Dean if he wanted anyone else present the following day. When Dean hesitated the President said, "It is better with nobody else there, isn't it?" Dean replied, "Absolutely." Then the President said: "Anybody else, they are all partisan interests, virtually"; which is more than a hint, as Dean has said, that Mr. Nixon knew his closest aides were involved.

On the record Mr. Haldeman's memory of the March 21 conversation between Mr. Nixon and John Dean was rather selective. Haldeman sat in on the last 40 minutes, listened to the tape of the entire conversation at least twice, on April 25 and 26, and made extensive notes that were turned over to the President. When he testified about the meeting four months after it occurred and some three months after listening to the tape, Haldeman told the senators he did not recall "any reference to money being supplied for defendants' silence." Well . . . no one *had* said specifically: if we pay they will keep quiet. Yet in the context of the March 21 discussion—particularly the open references to blackmail—there can hardly be any other interpretation of the purpose of paying money to Watergate conspirator Hunt or others, except to buy their silence. That was stated most clearly by the President himself when—with Haldeman present—he said to Dean, "Your feeling at the present time is the hell [with paying the defendants] the million dollars. I would just say to these fellows I am sorry it is all off and *let them talk* [italics added]."

How much has Haldeman told about offers of clemency? He told the senators that Dean "said that Colson had said something to Hunt about clemency. He [Dean]

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did not report any other offers of clemency, although he said he felt the defendants expected it. The President confirmed that he could not offer clemency and Dean agreed." That short summary, repeated by Haldeman with variations in answer to questions, does not reflect the President's references to finding a way to give Hunt, if not the others, some form of commutation of sentence or parole. Haldeman also failed to mention the President's own recollection on March 21 that sometime in the past he had spoken with a staff member about commutation for Hunt.

Haldeman has maintained in testimony that he did not know about payments to Watergate defendants until March 1973 and then hadn't known much more than that there was a $350,000 White House cash fund and that it was returned to the reelection committee with his approval. But what of Haldeman's taped March 21, 1973 statement that showed he *was* aware of earlier payments and had questioned them? ". . . The problem with the blackmailing, that is the thing we kept raising with you [Dean] when you said there was a money problem. When you said we need $20,000 or $100,000 or something [as Dean had done to meet demands of defendants during the summer of 1972]. We said that is what you need today. But what do you need tomorrow or next year or five years from now?" Dean then said: "These fellows [the Watergate defendants] could have sold out to the Democrats for one half a million." Haldeman then added there was no question that the money was needed "to get us through November 7."

Next we come to the "firing" of John Dean and John Ehrlichman's testimony before the Ervin committee that in mid-April 1973 "the President forebore to discharge Mr. Dean at Henry Petersen's request, to give Mr. Petersen and his people an opportunity to complete their work before that relationship was severed." That seems to prove Nixon's desire to cooperate with law enforcement officials—after he learned of the cover-up and its collapse in March and April 1973. Let us see how close Ehrlichman's description of the firing comes to the truth.

Petersen on April 15 objected to the President's firing Dean without also having in hand the resignations of Haldeman and Ehrlichman. When asked to resign on the morning of April 16, Dean said he would do so only if the other two top aides left the White House with him. When he spoke with Petersen that afternoon, the President said he was "seriously thinking" of announcing Dean's departure from the White House. Petersen responded that as long as he, Petersen, could tell Dean that *he* had not recommended the President accept the resignation, ". . . it's between the two of you [the President and Dean]." "Your timing on that is okay with me," Petersen concluded, even if it were to be announced that day. But it wasn't.

Why did the President delay? The transcripts offer one possible answer. The President feared that if he fired Dean before the prosecutors worked out their bargaining over immunity, Dean out of anger might decide to give them information about Mr. Nixon. Petersen had told the President that Dean's lawyers had threatened to attack the administration if his client were made the focus of the prosecution—without Haldeman and Ehrlichman. "You mean," Mr. Nixon asked Petersen April 16, "you say that . . . I'm a little concerned about Dean's or his lawyers—that he's going to attack the President and so forth." In the end the President held off firing Dean until April 30, three days after Petersen had decided no immunity would be granted. But the reason for the delay was not, as Ehrlichman said under oath before the Senate committee, because of a request by Petersen.

What of the charge that Haldeman and Ehrlichman made false statements to the FBI? Haldeman was interviewed by FBI agents on May 1, 1973. He told them he "had no knowledge of any investigation conducted by the White House regarding the Pentagon papers nor any information about the existence or whereabouts of results of such investigation." But Haldeman was aware of both the plumbers operation and the Pentagon papers inquiry, and so testified before the Ervin committee two months after the FBI interview. He told the senators he knew that the special investigating unit had been set up: "I knew the approximate cause was the Pentagon papers leak and that it was set up for the purpose of looking into that and other national security leaks at that time." And Ehrlichman? According to his May 1, 1973 FBI interview, he told the agents "it had been over a year, however, since [Ehrlichman] had seen anything in the Pentagon papers investigation." On the contrary, say the prosecutors, Ehrlichman reviewed those papers within weeks prior to his FBI statement.

Finally what do Ehrlichman and Haldeman say about the final payment to Hunt? In his Senate testimony Ehrlichman was asked if on March 22, 1973 he had asked Mitchell "whether or not Hunt's demand [for money] had been taken care of?" "My recollection of that," Ehrlichman replied, "is that that conversation was between Mr. Dean and Mr. Mitchell and it was Mr. Dean saying just, is that matter taken care of, without reference to Hunt or anybody and Mr. Mitchell sort of grunting and saying maybe, or I guess so or something very vague." On a tape transcript of April 14, 1973, however, the President is recorded as recalling that Dean had left the Hunt payment "up with Mitchell and Mitchell said it was taken care of. . . ." The President asked Ehrlichman about the payment and Ehrlichman responded: "I saw Mitchell later in the day [March 22] . . . and he just said 'It's taken care of.'"

Ehrlichman and Haldeman have been indicted for perjury or for making false statements to the Senate committee, the grand jury or the FBI. Former Attorney General John Mitchell has been indicted for perjury

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and making false declarations and statements to the grand jury and FBI. Two former Nixon campaign aides, Jeb Stuart Magruder and Herbert Porter, have confessed to perjury during the first Watergate trial. These are all "live witnesses." Would putting them and others under oath again bring the truth out of them?

The Supreme Court And the Watergate Tapes

by Nathan Lewin

There was a time—about eight months ago—when the President stood to gain from a Supreme Court decision upholding his claim that he had the final word on whether the Watergate tapes should be subject to judicial subpoena. There was general expectation, back in October, that the legal and constitutional issues would be carried by Mr. Nixon all the way to the Supreme Court, and there was then a possibility—some legal observers qualified it as a probability—that five votes could be mustered for the view that presidential conversations were too delicate and the need for confidentiality too overwhelming to allow even a federal judge to second-guess the President's assertion that a particular conversation should be kept secret. Had the President won that battle at that time, he could more easily have turned away even the first impeachment subpoena, and the notorious *Submission of Recorded Presidential Conversations*—which go to the brink of proving his commission of federal offenses—would never have happened.

In October, however, Mr. Nixon chose to acquiesce, in a most curious manner, in the decisions of the lower federal courts. He dictated the terms of his own capitulation and swept away all those who would not agree with his imposed settlement. This peculiarly ill-conceived stratagem must have been devised, one supposes, because the President feared that a "definitive" Supreme Court decision would emerge if his then chief counsel, Prof. Wright, invoked the Supreme Court's jurisdiction. As matters turned out, of course, Mr. Nixon neither had nor ate his cake. The public outrage that followed the Stennis proposal, the Cox dismissal and the Richardson-Ruckelshaus departures forced surrender of the tapes (minus those allegedly missing), and left the law as it stood with the decision of the court of appeals.

Now the issue of executive privilege is with us again as a result of the Supreme Court's agreement to consider the President's refusal to produce more Watergate tapes in response to the special prosecutor's pretrial subpoena. But Mr. Nixon has much less to gain from a victory and much more to lose from a defeat than he had before. There may well be less incriminatory evidence against the President if the conversations described in the 46 paragraphs of Special Prosecutor Jaworski's subpoena remain totally confidential. And a victory in the Supreme Court in July would give the President an explanation he could use with the House Judiciary Committee, although its authority to obtain presidential papers and records must be broader than that of a court acting on a prosecutor's request. But if Mr. Nixon loses in the Supreme Court on the matter of the Jaworski subpoenas, there will be no shred of legitimate defense to the Judiciary Committee's subpoenas. And if as a result of his loss he is forced to yield the tapes described in the Jaworski subpoena, the grand jury will surely convey those records—as it did the earlier tapes—to the judge for delivery to the House committee. So it appears that at issue in the Supreme Court is not only whether the tapes are available for use by the prosecution or defense at the cover-up trial, but also whether they will reach the impeachment inquiry.

How strong is Mr. Nixon's claim today? As has been true time and again during the shabby spectacle that has unfolded over the past year, Mr. Nixon's delay and avoidance has only brought him to an inevitable showdown in a far weaker state than if he had initially confronted it head-on. Before the Watergate transcripts were published, it was possible for his lawyers to argue, with some semblance of credibility, that the national interest required absolute deference to the President's judgment as to whether a conversation might be disclosed. Having gotten a strong whiff of what the Oval Office conversations were actually like, no court in the country can now take that assertion

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seriously. After all, Mr. Nixon did, in the round that culminated in October, make the "national interest" characterization (which underlies any executive privilege claim) as to *all* the tapes subpoenaed. If anything is clear from the Watergate transcripts, it is that most of the conversations are so banal and degrading that the only legitimate national interest in having kept them secret was to spare us all embarrassment.

Moreover the wholesale public disclosure by the President of selected portions of presidential conversations regarding Watergate undermines any current claim that other discussions of the same subject may be kept secret. At the time of the court of appeals' decision, the only presidential conduct that could have been pointed to as voluntary relinquishment of executive privilege was the President's direction to his aides to testify before the Ervin committee and the grand jury. The court of appeals pointed to Mr. Nixon's statement of May 22, 1973, in which he disavowed reliance on executive privilege as to any such testimony, "as at least one factor in striking the balance in this case." But it was argued by Prof. Wright that testimony *about* conversations is not the same thing as the precise conversations committed to tape, and that the confidentiality of presidential consultations is compromised more when exact words are produced than when narrative accounts are given. The court of appeals was persuaded enough to authorize Judge Sirica to compose summaries of conversations where he thought that the exact words would unduly "reflect the pungency of candor." The President's own choice, in answer to a Judiciary Committee subpoena, to issue publicly a verbatim transcript with only the more pungent expletives deleted destroys even this rearguard argument against production of the tapes.

The President is also in a weaker position on the jurisdictional question that has become a favorite debating topic among law professors. Initially put forward in these pages by Prof. Bickel and recently repeated by him elsewhere in slightly different form is the proposition that the disagreement between the special prosecutor and the President is nothing more, in the eyes of the law, than an internal executive branch squabble. The President, it is said, may order his subordinate, the special prosecutor, not to seek certain evidence in a criminal proceeding, and since the President's wish must be obeyed, the Supreme Court's decision—whether it enforces the subpoena or not—will not govern what happens but will only provide an advisory opinion to settle the academic disagreement between Mr. Nixon and Mr. Jaworski.

The argument was unreal when made during Archibald Cox's tenure; it sounded then like a parody of lawyers' logic. The federal courts, it is true, do not sit to decide "feigned cases"—that is, lawsuits brought by parties who are not really adverse and do not intend to have the court's judgment settle their differences but are trying only to obtain a legal opinion from a court. But if parties are really adverse and each intends to act as he says, there is a constitutionally sufficient "case or controversy" between them. If one of the two combatants can terminate the dispute by firing the other he is, one supposes, free to do so and the dispute will then be over. But until he does the firing, the subordinate's action has legal consequences and it is hard to see why he cannot be an adverse party in court. Surely the special prosecutor and the President had a vigorous adversary relationship, and the special prosecutor had every intention of enforcing the subpoena he had issued. There is no opinion of any court that has said that the existence of an unexercised right to discharge keeps parties from being recognized as adverse in federal litigation.

At his farewell press conference, Elliot Richardson indicated that this argument was the seed from which grew White House discussion of the possibility of firing Mr. Cox, and the firing may have been done precisely to moot the issue. Some justices on the Supreme Court might have chewed over this jurisdictional point had it been presented in October in place of the Stennis compromise, particularly in light of the relatively fuzzy charter given Mr. Cox. But once the power was exercised as to Cox (unlawfully, according to a subsequent court opinion), and the mandate of his successor, Mr. Jaworski, was negotiated with the Congress in such a way that the President's authority to dismiss could no longer be unilaterally exercised, even the logic of the argument evaporates.

How is the Supreme Court likely to react to the President's arguments in the present climate of opinion? The President's refusal to go to the Court in October was one indication that his lawyers were even then pessimistic as to the outcome. There has even been published speculation that Mr. Nixon was told by inside sources that he would lose. The President's position is, after all, a direct rebuff to the judiciary. Translated to practical terms, it means that federal judges cannot be trusted to hear or see evidence that the President thinks should be withheld, nor can they decide, by looking at the evidence and why it is needed for a particular proceeding, whether the national interest in secrecy outweighs the importance of the proof. When last confronted with a parallel Nixon administration assertion of unilateral executive branch prerogative, all eight justices who will be deciding the case of the Watergate tapes repudiated that argument. The claim that the executive must have the only and final word was made in support of "internal security" wiretaps. A unanimous Court—which included three of the Nixon appointees—refused to yield judicial authority and concluded that all such wiretaps could be undertaken only after a federal judge was satisfied of their reasonableness. Why should it not similarly be the law that a federal judge determines whether the President's claim of

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confidentiality is justified? And given the demonstrable insubstantiality of the assertion of executive privilege made in response to the grand jury subpoena issued in July 1973, is not the Court even more likely to prescribe independent judicial safeguards to be sure that the claim of confidentiality is not abused?

What, then, is in it for the President? Surely very little, and the temptation must now be great to "stonewall" the Court. Having refused to comply with congressional subpoenas in an impeachment inquiry (where the justification for a wholesale turnover of presidential papers is greatest), Mr. Nixon could use the same tactic with the courts. The judicial branch is, after all, as coordinate with the executive as is the legislative. One can imagine a "scenario" in which Mr. Nixon announces that his obligation to preserve the prerogatives and powers of the presidency requires his independent judgment on all constitutional issues, including the scope of executive privilege. His exercise of that privilege in answer to the Judiciary Committee's subpoenas will then be cited as precedent for the exercise of the same privilege in answer to a judicial subpoena—even if enforced by the Supreme Court. The refusal of the White House spokesmen to repeat their earlier assurance that the President will comply with a "definitive" Supreme Court ruling is a straw in the wind. The fact that the President's response to the special prosecutor's petition for Supreme Court review did no more than lecture the Court on its inability to do an adequate job if it rushes a case to decision is another indicator. No argument has yet been made to the Court on the substantive constitutional questions. Could Mr. Nixon be intending to advise the Court that he will not argue his case because the Court has no jurisdiction to force him to comply and because its procedures are too hasty to permit a considered judgment?

Defiance of a Supreme Court mandate, it is said, will surely lead to impeachment. But not more than eight months ago, it was generally and confidently asserted that the President would *of course* have to comply with lawful impeachment inquiry subpoenas or suffer certain removal from office. If Mr. Nixon goes through with an appeal to the Supreme Court and then refuses to abide by its decision, there will surely be enormous outrage. But what if he abandons the appeal and simply refuses to comply with Judge Sirica's order on separation-of-powers grounds? How much will that add to the growing pile of impeachable acts?

A small but fine point grows out of Charles Colson's sudden guilty plea of June 3. Six of the 46 paragraphs in the subpoena relate to tapes of meetings between the President and Colson, and virtually all of these might incriminate the President on the cover-up and the alleged clemency promise to E. Howard Hunt. On the first working day after the break-in, Mr. Nixon and Colson had a meeting of more than an hour and two telephone conversations, the second of which lasted from 11:33 pm until five past midnight. A meeting and a telephone conversation of January 5, 1973 came at about the time that Hunt is said to have pressed for clemency. And on the night of March 21, after Mr. Nixon had two meetings in which he discussed the Hunt "blackmail" and arguably authorized the payment of "hush money," he had a telephone conversation from 7:53 to 8:24 pm with Colson. On the morning of that day, when John Dean had replied to the President's command to get the money to Hunt by saying, "Obviously he [Hunt] ought to be given some signal anyway," Mr. Nixon responded, "(Expletive deleted), get it. In a way that—who is going to talk to him? Colson? He is the one who is supposed to know him?" Is it at all probable that with this matter so heavily on his mind, the President did not discuss it with Colson in his telephone conversation on the evening of March 21?

More than any other items specified in the Jaworski subpoena, the six sets of Nixon-Colson tapes could shed light on the President's participation and, of course, on Colson's. By pleading guilty Colson has laid the foundation for a claim that those tapes are now irrelevant to the district court proceeding and that they should, therefore, be dropped out of the Supreme Court litigation—possibly saving Mr. Nixon's neck along with some of his own. Particularly

"Heel!"

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in view of the prosecutor's assurance that Mr. Colson's story will first be disclosed by him after sentencing, a suspicious mind might wonder whether both parties to those conversations are happier to have the prosecutor and the public left with Colson's sworn testimony as to what was said rather than the tapes of the full conversations.

It may be possible for the special prosecutor to insist, even after Colson's plea, that any conversations in which Colson participated are subject to subpoena because he was charged by the grand jury as one of the members of the cover-up conspiracy. One conspirator's statements are relevant and admissible evidence in the trial of other conspirators, even if the others are not present when the statements were made. But on this point, the special prosecutor may be caught up on the fact that Colson has not pleaded guilty to any participation in the cover-up; indeed, these charges against him are to be dismissed as part of the bargain under which he pleaded guilty to prejudicing Daniel Ellsberg's right to a fair trial. Mr. Nixon's lawyers might, therefore, claim that the plea bargain absolves Colson of any participation in the cover-up and makes his statements to the President irrelevant to the case against Ehrlichman, Haldeman, Mitchell and the others.

On the other hand the disclosure that Mr. Nixon is, under the prosecution theory, a co-conspirator may yet keep the Nixon-Colson tapes in the Supreme Court case. If the President's statements to Colson (or Colson's to him) are declarations "in furtherance" of the illegal venture that they both participated in together with the defendants who are still to stand trial, all records of those conversations will be admissible in evidence at the cover-up trial and are now within the reach of Mr. Jaworski's subpoena.

Confession of a Party-Liner

On Voting Democratic

by Gerald W. Johnson

My first vote in a presidential election I cast for Woodrow Wilson, of which I am very proud. Subsequently I have supported every Democratic presidential candidate, of which I am not very proud, as it implies an affiliation, of which I am not proud at all, with an organization that in the past has included, and at present, I doubt not, still includes some of the damnedest rascals unhung. In confession and avoidance, as the lawyers say, I plead that the alternative was adhesion to the Republican party which includes, I believe, even more of the same. Furthermore, in congressional, state and local elections I have occasionally voted Republican, albeit only when the Democratic candidate stank so abominably as to be beyond endurance.

I am, in fact, a man imbued with the black pessimism of Thomas Jefferson. Of course I know that Jefferson is popularly regarded as an optimistic idealist, but that is simply a legend of our American mythology. The man was profoundly realistic, and no realist is unremittingly cheerful. Consider two of his characteristic utterances. One is from his first inaugural, a guarantee that it was carefully considered and exactly phrased. It reads, "Though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable." If it is not, it becomes oppression. The other was in a private letter and in such writing Jefferson, like the rest of us, tended to become more vehement but not necessarily less truthful. He said, "Whenever a man has cast a longing eye on offices, a rottenness begins in his conduct."

The first is a plain implication that democracy is capable of abandoning reason, and when it does so, is transmuted into tyranny. The second is an equally plain implication that under any form of government, including the democratic form, there will always be some rotten eggs. Together they amount to corroboration, almost two centuries in advance, of Winston Churchill's judgment that no form of government is good, but that all the others are worse than democracy.

Churchill spoke generally, but I submit that specifically his reasoning applies well enough to the American two-party system. Allowing for temporary deviations from the norm, my reason for fairly consistent adhesion to one of the two major parties is not that the Democratic is a good party, but that the Republican is,

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as a rule, appreciably worse. "To prove this"—again I quote Jefferson, capital letters and all—"let Facts be submitted to a candid World."

Then—not as conceding a point, but as due courtesy to holders of the adverse opinion—let the first two facts submitted be the incontestable truth that the Republican party did elect Abraham Lincoln and Theodore Roosevelt. Both, to be sure, encountered venomous opposition within their own party, but that is the usual reward for getting something done. Every Democrat, also, who has had a lasting effect on our political history has endured the like.

Delving into ancient history is, however, rather beside the point. Washington, the pre-party President who had both Jefferson and Hamilton in his cabinet and was tough enough to fire both, is beyond debate. But Jefferson, Madison, Jackson and Lincoln were unquestionably shakers and movers, and most scholars agree that the Adams pair, John and John Q., were masters of statecraft, the science of government, and so command respect despite their woeful incompetence in politics, the art of getting elected. Yet the skills that bolstered, though they did not establish the reputations of the first five, and to some extent that of Lincoln, were markedly different from those most useful to 20th-century Presidents. (Note well, if you please, the word "skills"; probity, courage and energy are not skills, they are elements of character.) So the fact that John Quincy Adams was a superb Secretary of State is no proof that he could have handled the kinds of problems with which Kissinger has had to deal. And while the integrity of Washington had an intrinsic value that has never altered, Lincoln was too wise to try to use his iron hand, Theodore Roosevelt fumbled it, and Wilson's attempt to use it, after he was physically disabled, was a disaster.

My steadfast adherence to the Democratic party did not enable me to vote for the Virginia Dynasty, but it has influenced me to vote for two Presidents of the first rank—indeed, to vote for them six times—for another who, in the estimation of historians is not only in the second, but edging close to the top of that rank, and for another whose personal charm exceeded that of any occupant of the White House since Martin van Buren, most graceful of all Presidents. True, it also influenced me to vote for James M. Cox, John W. Davis, Alfred E. Smith and Lyndon B. Johnson, although in the last case the stronger influence was my impression that Johnson's opponent, Mr. Goldwater, was an evocation from the political Stone Age—an impression since shaken but not yet eradicated. I concede that, had I been old enough, partisanship might have betrayed me into voting against Theodore Roosevelt in 1908, but I balance that potential error by pointing out that party loyalty did cause me to vote for Cox against Harding. In 1924 the murderous combat between the Ku Klux and the Knights of Columbus gave the voters in November a choice between a zero and a cipher, so I voted for Davis, and why not? In 1928 I was for Al Smith with real enthusiasm. Not until some years later did I realize that he and Hoover were opposite sides of the same coin, and it a plugged nickel.

In the next seven elections, 1932-1956, I had not the shadow of a doubt that my party alignment was the right one. In five of them the majority of the voters agreed with me, and in the other two the party's error was a tactical one. In the aftermath of a great war, to run the best man you have against a successful general may be honorable conduct, but it is a long way from realistic politics, for in such circumstances the best man who walks in shoe-leather cannot beat five stars.

In fine, for the 16 elections for President in which I have participated, I remember my adherence to the party line with pride in seven cases, the two for Wilson, the four for F. D. Roosevelt and the one for Truman. Two for Adlai Stevenson I regard with personal satisfaction, although they were hopeless. In three, Harding-Cox, Nixon-Humphrey and Nixon-McGovern, sticking to the party saved me from being in the winning majority, which I remember with increasing satisfaction. In one, 1960, party loyalty had nothing to do with it. Kennedy was glamorous, to be sure, but had he been uglier than Caliban, he would have had my vote, for his opponent was Richard M. Nixon. In 16 tries the Democratic party, I believe, has nominated the better candidate 11 times, elected him eight times, and won again with Johnson, although that victory was a donation by the Republicans.

As a gambling system, then, I submit that nine out of a possible 16 wins, plus two that it deserved to win, make party regularity a pretty good bet.

But as a political philosophy I believe that dyed-in-the-wool democracy rates much better. When the donkey is high he usually takes off in the direction of the New Jerusalem, the elephant, in like condition, toward Nineveh and Tyre. Obviously neither can arrive, because the New Jerusalem never was and the glories of Phoenicia never will be again. The practical problem is to determine which crash landing will afford the better chance of some survivors. There is no definitive answer, but the historical facts are that the donkey's trip ended in Johnson's Great Society and McGovern, the Elephant's in Watergate and Nixon. Which was the more terrific smash only time can tell, but my prediction is that the donkey will recover consciousness somewhat sooner than his rival will. I am well aware that this prediction may be attributable to a shot of wishful thinking, but I maintain that it has a factual basis that many Democrats frequently overlook.

I think that these facts are incontestable: 1) that the fight that historians call "our brush with Spain" demonstrated that the newly rebuilt United States Navy could move fast and shoot straight; 2) that in the days when the Wright Brothers and Marconi were still ob-

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scure, any nation with such a navy was either a great power or on the verge of becoming one; and 3) that the emergence of a new great power would compel readjustments of policy by all nations, including the new great power.

Add to these a fact still unsuspected when Wilson was first elected in 1912, but that is frightfully apparent now: that from a world viewpoint the 20th is the most terrible century since the time of the Hundred (really 116) Years' War, beginning in the 14th and running half through the 15th century.

Finally, consider a fact that half the Democrats and three-fourths of the Republicans in the country will deride as pure hallucination: that the three incontestably great leaders of public opinion in this century, Wilson and the two Roosevelts, were only incidentally reformers, being in the main hard-headed realists who not only observed the first three facts but perceived some part of what they implied.

When the first Roosevelt was President the century's nightmares had not begun, but he saw clearly that his first duty as President was to prepare the country for the inevitable change. The first step toward that end was to get rid of innumerable obsolete ideas and practices that would prevent us from profiting by our new opportunities. He went about it with a boldness and energy that continually startled and often scandalized the beholders.

Wilson followed the same line, but with a more realistic perception of the whole situation. He too was intent on preparing the nation for a new role in the world, but the first of the successive hurricanes struck the world as he was halfway through his first term, and thereafter he was preoccupied more by preparing the nation to shoulder its new responsibilities than to profit by its new opportunities.

The second Roosevelt, not in Wilson's class as a political philosopher but greatly his superior as a practical politician, spent his entire first term and part of his second clearing away some of the wreckage that the ineffable Harding, Silent Cal and bewildered Hoover had hardly touched. But the job was less than half done when the first blast of the second hurricane struck, and thereafter his time was all taken up by efforts to persuade the nation to face the storm rather than try to outrun it. He might have failed at that, had it not been for the thoughtfulness of the Japanese in giving us a terrific kick in the rear as we were in the act of cowering before the blast.

Certainly the three leaders all urged upon Congress and the country many and varied reforms, most of them long overdue and some, especially in the case of the second Roosevelt, frankly tentative, but the idea that they were soul-savers is one of the most fantastic of our political myths. It was our hides, not our souls, that they were out to save, and did save but by a frighteningly narrow margin.

Of the three Wilson was by long odds the hardest-headed realist. I make this flat assertion on the basis of an insight into his character that I gained before I ever heard of him, in fact before I was 10 years old. It derived from attendance at Sunday school in two Presbyterian churches whose congregations were almost exclusively Scottish-Americans and rigidly Calvinistic. There I became acquainted with the Session, a committee that was the ruling authority in matters of faith and dogma, and composed of the elders and the minister. In childish eyes these figures were majestic, holy and hateful, all in the superlative degree.

Therefore in later years I received placidly utterances of President Wilson that drove into frenzy friends and neighbors imbued with Arminian, Socinian, Papist or Judaic errors. My own reaction was, well, the man was a Scotch Covenanter, so what else could you expect? Case-hardened he certainly was, ruthless he certainly was, arrogant he frequently was, but a hypocrite he was not. A very cursory examination of his chief propositions will reveal that they were designed to adjust the republic to its new position as a great power so that it might function smoothly and with the greatest attainable measure of security.

When he declared that the highest function of government is "to release the generous energies of our people," he spoke with machine-tooled precision. The ungenerous energies require no release because they rampage throughout the world, as witness the national cemeteries and the national debts.

It is the glory of the second Roosevelt that he understood the core of Wilson's political philosophy and approved it. But he inherited a nation with its economic system in ruins and with the people's confidence in themselves and in their government buried under the ruins. His first task was to dig it out, which he did with a political skill of which Wilson had not an iota. But his administrative ability fell far short of his perception of the truth that you cannot establish respect for law until the law has been made respectable, and he was only halfway through that task when the second hurricane struck him, and eventually killed him, but not until victory was in sight. He died firm in the faith that the only national security is in the people's faith that the nation is worth securing.

But his post-mortem good fortune was to have as his successor Mr. Truman, a man thitherto regarded as rather less considerable than Chester A. Arthur, but who had the courage to erase from the Democratic banner Marcy's swinish slogan, "To the victor belong the spoils" and substitute, "On the victor devolves the duty to give first-aid to the injured," and with that the world prestige of the United States touched the highest pinnacle it has ever reached.

Because I was a party-liner I had voted for him. So, my lords and gentlemen, despite Boss Tweed, the Tonkin Gulf Resolution, local stinkers and all, I remain a Democrat unabashed.

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JULES FEIFFER

WHAT I LEARNED IN SCHOOL THIS YEAR.

I LEARNED HIGH SCHOOL IS CALLED SECONDARY EDUCATION BECAUSE IT TAKES PLACE IN THE SECOND WORLD.

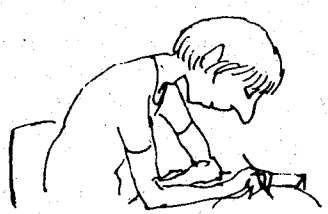
I LEARNED ONLY TO VOLUNTEER WHEN WHAT I HAVE TO SAY AGREES WITH WHAT THE TEACHER HAS TO SAY.

I LEARNED NOT TO BE CURIOUS ABOUT ANYTHING THAT ISN'T ASSIGNED OR THEY CALL YOU A TROUBLE MAKER.

I LEARNED IF YOU HAVE A GOOD TEACHER KEEP IT TO YOURSELF OR THEY GET RID OF HER.

I LEARNED THAT PARENTS HATE TEACHERS ALMOST AS MUCH AS TEACHERS HATE PARENTS BUT NOT AS MUCH AS BOTH HATE KIDS.

I LEARNED INTEGRATION IS WHEN BLACK KIDS SIT TOGETHER IN ONE PART OF THE CAFETERIA AND WHITE KIDS SIT TOGETHER IN ANOTHER.



I LEARNED BUSING IS WRONG -

BECAUSE IT WILL LOWER THE QUALITY OF MY EDUCATION.

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Stanley Kauffmann on theater

Scapino

(Circle in the Square)

Scapino is an adaptation of Molière's *Les Fourberies de Scapin* produced by the Young Vic of London under the direction of Frank Dunlop. The Young Vic is, roughly speaking, the young people's division of the National Theater which itself used to be called the Old Vic. The Young Vic was founded by Dunlop in 1969 and has got a reputation for juice. *Scapino* came briefly to the Brooklyn Academy of Music last winter, where I missed it. Then the Circle in the Square in Manhattan, short of funds to produce its own last play of the season, invited the production to return. It came; it was seen; it conquered. But not this column, I'm afraid.

And not because Dunlop has taken lots of liberties. When we go to a revival of a classic comedy these days, we know in advance that we're probably not going to see it—we're going to see a version of it, adapted to the times. The modernization of serious plays, tragedy or drama, is often egotistical intrusion by a director who feels compelled to have a "concept" or else is an implicit confession of inability to handle the play in period. And certain comedies, those of wit and character like *The School for Scandal* or *The Way of the World*, don't often fare well when altered because their language is untransportable and their finesse depends on period style. But where there is more humor than wit in a comedy, along with a lot of physical action, then updating is not only possible but sometimes necessary. Lower kinds of comedy, down through farce, frequently depend on topical reference more than societal framework, and a good dust-up helps to keep them funny. When the late Bert Lahr played Aristophanes' *The Birds*, he slipped in a paraphrase of a potato-chip commercial with which he was then closely associated—and got a laugh. Not very Athenian but, in spirit, perfectly Aristophanic.

So it's not the liberties in *Scapino* that bother. It's the fact—for me, anyway—that they don't quite work.

The setting, as in Molière, is Naples, appropriate for a play whose characters come from *commedia dell'arte*, but now it's Naples more or less today. The first thing that happens, before the play begins, is trite: a young bootblack wanders through the audience, asking for cigarettes and kissing ladies' hands. When I see actors mingle with the audience, I immediately suspect the director of bankruptcy or cultural time-lag. The next thing that happens is not much fresher; still it's funnier. Jim Dale, the star of the show, the Scapino, appears in mod clothes on a small balcony and, strumming a guitar, sings a soulful Italian song whose words come from the menu of any Italian restaurant.

Dale is not only the star, he is the show. It stands—or doesn't, quite—through him. He is an actor, dancer, singer, composer, British TV music star, and he takes the stage with vigor and address. His role is the clever servant of old comedy, progenitor of Figaro and countless others, and the plot tells how he helps two pairs of lovers against parental opposition. (Part of the plot hinges on the gimmick that the parental opposition turns out not to exist, so we get a foretaste of Sheridan's *The Rivals* and Rostand's *The Romantics*.) In the course of his conspirings Dale leaps, sings, bounds into the audience over the backs of their seats, does trick voices and frenzied series of impersonations, etc., etc. There is a lot of phallic play with a big sausage—another classic device—and a good deal of crotch humor. But none of all this, by him and by others, made me laugh much.

In this kind of show, when it's weak, a conspiracy is entreated between stage and audience. We are doing a lot of comic things, say the actors, you can *see* that they're comic, and since we're doing so many of them so quickly and so energetically, it's your part of the bargain to laugh. Which, to be honest, many do here. But the cast didn't often force me to laugh; I simply *watched* them doing all these fast and purportedly zany things. After that opening song, the only other real laugh I got was from the first entrance of Ian Trigger, one of the fathers, a diminutive white-haired eccentric actor who came in like a crazy dwarf going several ways at once.

What's at stake in this kind of show, I think, is innocence. The great physical comics—Chaplin, Keaton, Lloyd—and the good smooth farceurs—early Jack Lemmon and Ian Carmichael—play with a conviction that has no slightest touch in it of letting hair down, no hint of condescending let's-all-be-kids-for-the-nonce. They are what they are and do what they do with utter subscription, with *purity*. But all through the antics of Dale and friends I had a slight feeling of patronization, of serious minds unbending graciously. In fact, after the show Dale led the audience in that archetypal English exercise, a community sing (of that opening song, which runs through the show), and he said, "Be a kid for two minutes. It's marvelous fun." Chaplin or Keaton could never have said or thought that; the idea would have insulted them. The pervasive scent of that idea made *Scapino* a synthetic experience for me.

Early in 1973 a musical called *Tricks*, based on the same Molière play, was brought to Broadway from the Actors Theater of Louisville and the Arena Stage of Washington. As a script and score, it was intolerable—cutesy and quaint and quintessential 1920s little theater. But the performance of René Auberjonois as Scapin was intricately designed and neatly executed, more varied and less self-admiringly preemptive than Dale's. *Tricks* was painful to sit through, *Scapino* merely nonamusing; but Auberjonois was more engaging than Dale.

Book Note. The last few years have brought several anthologies of black plays. The ones that I have seen were contemporary. Now we have a much-needed historical anthology, *Black Theater USA: 45 Plays by Black Americans 1847-1974*, edited by James V. Hatch

(continued on page 33)

Films Worth Seeing

Claudine. James Earl Jones and Diahann Carroll, well directed by John Berry in romantic comedy about Manhattan blacks today. Ingratiating.

The Conversation. Some doldrums but mainly well made parable about electronic snooper who slips into moral involvement in his work.

The Last Detail. Jack Nicholson as a salty old salt in a raunchy cruel story of peacetime navy.

Wedding in Blood. Banal French marital-murder story, but played well. Claude Chabrol directs exquisitely.

SK

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The Gulag Archipelago 1918-1956

An Experiment in Literary Investigation I-II
by Aleksandr I. Solzhenitsyn
translated by Thomas P. Whitney

(Harper & Row; $12.50, paper $1.95)

Russian literature has always responded to suffering and to desperate poverty. It is an honorable tradition, Aleksandr Solzhenitsyn reminds us in *The Gulag Archipelago*, as revered as the old women who never "broke the Lenten fast without first taking gifts for unknown prisoners to the common prison kitchen." In the midst of Czarist Russia, Dostoevsky could still exercise the right to describe his own experiences as a political prisoner; his autobiographical novel, *The House of the Dead*, became his most famous and most widely recognized book during his lifetime. Now almost 60 years after the collapse of the Czar's empire, Aleksandr Solzhenitsyn has described his own sojourn inside Stalin's more efficient and more degrading circles of confinement.

Unlike Dostoevsky's account of prison life, the circumstances that impelled the publication of *The Gulag Archipelago* are as harrowing as the circumstances it describes. In August of last year a Leningrad woman to whom Solzhenitsyn had entrusted a copy of the manuscript revealed, after five sleepless days of interrogation, where she had concealed it, to Soviet security officers. Once the officers found the manuscript she was released—and committed suicide. Because the book contains the names of several hundred people who provided him with information Solzhenitsyn believed he had no alternative but to publish it immediately.

The Gulag Archipelago—this volume contains the initial two parts of a seven-part work—is not a memoir or a fictionalized account of his own years in prison. In a short introduction he assures us that no fictitious characters or events inhabit the book, that all the information comes from his own memory, research and conversations with other prisoners during and after their confinements. The book describes the Soviet prison system up to 1956, in part through historical narrative and analysis, with occasional reference to statistical data, but mostly through a collection of incidents that exemplify the arbitrary, even capricious violence that engulfed his countrymen, from the first moment under arrest, through interrogations and hasty trials, until the prisoners were either killed or delivered to a camp at the end of a railroad line. In the range of its concerns and the persistently energetic anger of its prose *The Gulag Archipelago* is an unprecedented indictment of tyranny.

During Khrushchev's regime, although millions of prisoners returned home and criticism touched upon Stalin and many of his confederates, no short story, novel or poem was permitted to criticize Soviet rule. The party remained above criticism, more to be pitied for what it endured than mistrusted for what it encouraged. Even as brave a dissident as Roy Medvedev, in his superb account of the Stalin era, *Let History Judge*, ignored the political intolerance and terror that Lenin himself established. Solzhenitsyn, however, feels no such restraint and carefully dismantles the myth of Lenin's benevolent rule in order to reinforce his contention that Stalin did not pervert Lenin's designs so much as perfect them. For it was Lenin, as his own published essays reveal, who first articulated the goal of "purging the Russian land of all kinds of harmful insects," who assailed Kerensky for his advocacy of capital punishment and who, when the right moment came, ensured its reinstatement over the naive objections of several colleagues.

Solzhenitsyn traces the origins of Stalinist justice to the years immediately following the Revolution when the party began to organize "show trials." Although much of this has been described before by Western scholars, Solzhenitsyn reminds his Soviet audience of events that have disappeared from official histories. As he remarks: "Ask any middle-aged person to enumerate the highly-publicized open trials. He will remember those of Bukharin and Zinoviev. And, knitting his brow, that of the Promparty. And that's all." But 15 years before Bukharin's alleged confession the prosecutors were already busy inventing bizarre conspiracies, accusing the Social-Revolutionaries of supporting Germany and serving as spies for the Entente powers in 1918.

Naturally, however, these trials were not the only changes taking place. One incident Solzhenitsyn vividly recalls suggests the preposterous nature of things to come. At the conclusion of a district party conference in Moscow Province in 1937, "a tribute to Comrade Stalin was called for. Of course, everyone stood up (just as everyone had leaped to his feet during the conference at every mention of his name). The small hall echoed with stormy applause, rising to an ovation." The applause continued for three minutes, four minutes, five minutes. "And the older people were panting from exhaustion. It was becoming insufferably silly even to those who really adored Stalin. However, who would dare be the *first* to stop? . . . After all, NKVD men were standing in the hall applauding and watching to see *who* quit first! And in that obscure hall, unknown to the Leader, the applause went on" until after 11 minutes the unfortunate director of a paper factory who stood on the platform "assumed a business-like expression and sat down in his seat." He was arrested later that night.

Throughout *The Gulag Archipelago* Solzhenitsyn portrays, bitterly, sarcastically, the actions and beliefs of the Soviet government. He has every reason to abandon objectivity, but the anger that informs his prose creates a feeling of unbearable pessimism toward Soviet society in general that conflicts with his own, most intimate evaluation of life in the camps.

As all his writings make clear, Solzhenitsyn regards his imprisonment as the most formative experience of his life. Without it, he might never have questioned with shame and repentance certain habits that camp life taught him to recognize in himself. As an officer in the Red Army, he had accepted his rations of butter and rolls without wondering why his men did not receive them. And he had expected his soldiers to dig him "a special dugout at every new bivouac and to haul the heaviest beams to support it so that [he] should be as comfortable as possible." In the camps he began to repent of these attachments to power and the vain desire for endless possessions. He learned not to fear misfortune or yearn after happiness, "not to pursue what is illusory—property and position: all

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that is gained at the expense of your nerves decade after decade, and is confiscated in one fell night." In *The Gulag Archipelago* he repeatedly acknowledges the debt he owes to the prison experiences that taught him the efficacy of suffering and the need for repentance. And there is always the unstated, implicit, almost exalting commonplace sensation that those on the inside learn something that others, like us, can never hope to comprehend.

Unlike Dostoevsky, who also regarded his years in Siberia as the origin of his allegiance to these same values, Solzhenitsyn discourages a belief that the prisoners' spiritual awakening might reflect the possibilities of change in the society at-large. While *The House of the Dead* contains many degrading details of crime and cruelty, its ultimate message is one of sympathy and hope. Even the sordid deeds of the most hardened criminals did not compel Dostoevsky to abandon his faith in human nature or the human ability to regenerate oneself spiritually, regardless of the worst physical torments. Solzhenitsyn, however, is more disheartened, ashamed and far more angry. It does not surprise him when, in 1960, a nonpolitical prisoner declared a hunger strike and declared to the prosecutor that "justice is more precious to me than life"; he was transferred to an insane asylum as a suspected schizophrenic.

Even today he deplores the indifference of his countrymen to the demands of justice, wondering why Germany is expected to punish its evildoers while Russia is not.

> *First we submissively allowed them to massacre us by the millions, and then with devoted concern we tended the murderers in their prosperous old age . . . In keeping silent about evil, in burying it so deep within us that no sign of it appears on the surface, we are implanting it, and it will rise up a thousandfold in the future. When we neither punish nor reproach evildoers, we are not simply protecting their trivial old age, we are thereby ripping the foundations of justice from beneath new generations.*

Solzhenitsyn is not the first Russian to mistrust the moral attitude of his fellow citizens. Since Russia's first modern contacts with the West, during the reign of Peter the Great and later after the defeat of Napoleon in 1812, the Russian intellectual class has deplored the unique qualities of their countrymen. Compared to Western Europe, Russia seemed backward and crude, devoid of the social development that spread over Europe as monarchies weakened and collapsed. In 1829 Chaadayev asked why Russia was the only country to institute slavery *after* her conversion to Christianity, why certain aspects of democracy and enlightened civilization remained alien and underdeveloped. He was not speaking merely of technology. And he remarked, as Russians have always done, how frivolous much of our culture appears when compared to their own. For both Chaadayev and Solzhenitsyn, however, tyranny cannot be overcome by force alone. Without spiritual redemption, no revolution can genuinely succeed.

Inside the Soviet Union today there is little initiative to explore the actual history of the Revolution, for the event has assumed a mythological status as huge and inhibiting as the walls of the Kremlin. Solzhenitsyn, however, explains his disillusion by condemning the very idea upon which the Revolution was based, the belief "that some people have the right to repress others." Even now he believes that only prisoners understand this and that the rest of Soviet society remains indifferent to evil because of the claims ideology successfully makes on its behalf. As a result the Revolution has prolonged and intensified the humiliation of one man by another.

Solzhenitsyn's uncompromising hatred of the Soviet regime occasionally leaves him purblind or indifferent to several historical judgments generally accepted in the West. For example Lenin's famous "Last Testament," in which he urged the party to remove Stalin from the position of General Secretary, is now considered only part of a considerable body of evidence that Lenin became suspicious of him and the possible effects of his personality on the country's political life. This growing mistrust of Stalin also reflected Lenin's desires during his last years to abandon the class war between the towns and villages and to institute gradual and peaceful persuasion of the peasants to accept cooperative farming. According to Lenin, the peasant majority would never accept socialism until a peaceful society was first established and perserved. He transmitted these ideas to Bukharin who, in turn, developed them into his own elaborate theories that some scholars today regard as the theoretical model for what the Czechs attempted to achieve six years ago under the slogan "socialism with a human face." Neither Lenin nor Bukharin, or course, were democrats; they both believed in dictatorship. Still it is historically inaccurate for Solzhenitsyn to claim that Stalin merely inherited a political program from Lenin and then carried it to its logical, extreme conclusions.

This kind of simplified view of history is again invoked by Solzhenitsyn when he condemns Bukharin for the notoriously pliant role he accepted in his own purge trial in 1938. Solzhenitsyn rehearses and expands the romantic theory Arthur Koestler fabricated in *Darkness at Noon* without closely examining the historical record, as two Western scholars—George Katkov and Stephen F. Cohen—have recently done. According to them, Bukharin did not actually confess or participate in the trial as a "last service to the Party." He simply wanted to ransom the lives of his young wife and son. Solzhenitsyn believes Bukharin was a weakling who lacked an "individual point of view" and a "genuine ideology of opposition." Bukharin, in fact, offered a merciful alternative to Stalinism and, according to the memoirs of Nadezhda Mandelstam, intervened on behalf of numerous victims in the early 1930s.

While these inadequate historical judgments do not diminish the considerable importance of *The Gulag Archipelago*, we cannot assess the full impact of this work or any of Solzhenitsyn's works on Soviet culture until they can be read and openly discussed in his own country. Yet if we take the events surrounding the publication of his novella *One Day in the Life of Ivan Denisovich* as our guide—hundreds of thousands of people rushed to bookstores for copies—it is clear that no writer in the world today has been able to explore the most compelling experiences of his people as Solzhenitsyn has done or received so enthusiastic an audience. Thirty years ago when he was under arrest and led through a crowded subway station he considered crying out and warning a hundred people of their own fate. Instead, however, he realized they were too few and that some day he would warn his whole country. This book is his cry; his expulsion confirms the power of the word in a land of silence.

Joshua Rubenstein

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Spy Story

The CIA and the Cult of Intelligence by Victor Marchetti and John D. Marks

(Knopf; $8.95)

Diplomacy at its best is chess rather than poker, a game played with visible pieces rather than hidden cards. Thus the function of a peacetime espionage service is to provide the information with which diplomats can bargain with their adversaries. The Central Intelligence Agency has performed that job admirably over the years. In 1962, using data obtained from electronic devices, its experts were able to detect the build-up of Soviet missiles in Cuba, and that knowledge served President Kennedy's successful effort to compel the Kremlin to retreat. Nor would the interim agreement with the Russians on the limitation of strategic arms have been possible unless the US negotiators had possessed details on Soviet weapons deployments.

But such valuable services represent the smaller portion of the CIA's activities. Its predominant role has been to pursue an assortment of unsavory clandestine political and paramilitary operations, and these suggest that our leaders have subsidized and encouraged an organization that is not only dedicated to illicit actions abroad, but also, as the Watergate scandals have revealed, has cooperated in criminal conduct at home.

Victor Marchetti, a former CIA employee, and John D. Marks, who once worked for the State Department, have written a study of the agency's doings that has obviously touched raw nerves. In an attempt to suppress their work, the CIA has dragged them through the courts, and the case is not yet over. The unfinished legal hassle prompted the authors to go into print with a volume in which more than 140 passages have been deleted. Yet its Swiss cheese quality curiously reinforces rather than diminishes the book's credibility, which is further strengthened by its sober, almost dull literary style. One is tempted to speculate that it might have eluded public notice had not the CIA chosen to fight its publication, and so the agency merits a nod of gratitude for having unwittingly launched it in the direction of the best-seller list. The book deserves wide readership because it illustrates the extent to which, despite our rhetorical devotion to self-determination of nations, we have been violating the sovereignty of foreign states.

Marchetti and Marks correctly emphasize that the CIA is not an autonomous monster, but a White House tool acting under orders. This is doubly alarming in my opinion, since it underlines the fact that the agency's egregious covert operations have not been aberrations, but were carried out in the pursuit of high policy shaped by our most distinguished officials. The authors recall such familiar clandestine maneuvers as the CIA's successful putsch against Iranian Premier Mohammed Mossadegh in 1953 and its abortive attempt five years later to overthrow Indonesian President Sukarno by supporting insurgent forces on the island of Sumatra. They describe the agency's programs for training Tibetan rebels to fight against the takeover of Tibet by the Communist Chinese, and they hint at the possibility

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that the CIA raids against North Vietnam in 1964 may have provoked a North Vietnamese reaction against US destroyers in the Tonkin Gulf, thereby handing Lyndon Johnson the pretext to win congressional authorization for large-scale American involvement in Indochina.

Highlighting the degree to which we permit ends to justify means, the authors relate a 1969 episode in which CIA operatives acting with top Washington approval permitted a group of Brazilian radicals to hijack an airplane and endanger the lives of its 49 passengers so that Brazil's security forces could break up that country's principal revolutionary faction. During the Cultural Revolution in China in the mid-1960s, the book discloses, CIA operatives on Taiwan transmitted phony broadcasts contrived to resemble official Communist statements. The broadcasts contributed to the chaos roiling China at the time —but they also misled the agency's own analysts at home, who were not clued into the so-called "disinformation" effort.

The most interesting section of the book deals with the CIA's proprietory companies. The agency owns one of the world's biggest fleets of aircraft that variously operate under the names of Air America, Rocky Mountain Air and Southern Air Transport. Such firms are indispensable to an outfit engaged in covert activities like moving irregular troops and transporting supplies, especially in Southeast Asia. But these corporations have not been held accountable. Although they are theoretically responsible to the public, their records are classified and even their financial balance sheets are a secret, and that raises the question of whether they may have contributed to the private fortunes of occult business interests.

For that matter, though, to whom is the CIA itself accountable? The agency is technically supposed to be supervised by four different congressional oversight committees, but these groups rarely meet, and, when they do, it is mainly as rubber stamps. Legislative attempts to reform the oversight system chronically go nowhere, and they are likely to remain blocked as long as men like John Stennis, who runs one of the Senate committees, believes that "you have to . . . shut your eyes" to the agency's activities. The principal casualty in all this, then, is truth, a rare commodity these days made even rarer by President Nixon's assertion of a couple of weeks ago that "we cannot gear our foreign policy to the transformation of other societies." He was, quite clearly, not referring to Guatemala, Cuba, Chile, Peru, Brazil, Iran, Vietnam, Laos, Cambodia, Indonesia, China or the Congo, to mention a few places in which the CIA, under instructions from him or his predecessors, has intervened in domestic affairs that were none of our business.

Stanley Karnow

In Conscience

Patriotism Without Flags by Daniel Lang

(Norton; $6.95)

One can be patriotic without being flagrant about it, but in the United States that distinction is not well understood. Love of country is tested in too many ways that not everyone can pass, or would want to. The result is that patriotism seems a right-wing affectation residing in Bob Hope, Carl McIntire and the American Legion, symbolized by flag decals and Honor America Day, stated in slogans ("America, Love it or Leave it") and loyalty oaths, and, in recent years, requiring unquestioning support for the Vietnam war. When patriotism has such connotations a substantial part of the populace is left out, written off as un-American. And those who do not wear their loyalties on their sleeves may themselves think of patriotism as bunk and display their flags, if at all, on the seat of their pants. For me it took a long trip outside the country to realize that, hostile as I am to much of what goes on here, I do love and need and have strong attachments to the United States that, to be fair about it, could be called patriotism.

Daniel Lang, in the six *New Yorker* pieces he has put together as a book, sees elements of patriotism in antiwar activists like Dr. Spock, in army deserters, draft evaders, the Vietnam Veterans Against the War, exiles in Sweden and a school teacher who refused to salute the flag. Each of them, in his own fashion, was "trying to figure out what he thinks of his country."

The war in Vietnam caused many Americans to think critically of their patriotism. Because it was a war that "we" were fighting, it was natural that many of us would defer in our judgments, for a while, to the government, trusting it because it was the government, because it represented authority. But it was an eroding trust because, as time passed, it seemed to be a war in which the most powerful nation was devastating a small faraway country, without a justifying purpose and with no hope of victory. The war divided Americans, as Lang says, "splintering the ranks of both the hawks and the doves," creating "a thousand opinions each at variance with the other." The absence of a national consensus to fight on in Southeast Asia caused a lot of individual introspection about what constitutes patriotism.

Lang states these generalities in his introduction. They are implicit in the stories he tells in the rest of the book but they are never labored. What seems important to Lang are the stories themselves (the book "wasn't written with any thesis in mind") and he tells them well. One of the six involves a young woman, Susan Cook Russo, who in the summer of 1969 took a job as an art teacher at the Sperry High School in Henrietta, NY, a Rochester suburb. She was well qualified and she impressed the school principal when he hired her. As a teacher, just about everybody agreed, she did very well. She fared badly, nevertheless, because of "irreconciliable conceptions of patriotism." Each day in her school began with the pledge of allegiance to the flag recited over the school's public address system. During the ceremony Mrs. Russo stood silently with her hands at her side. She made no issue of her refusal to say the pledge and place her hand over her heart; she merely didn't do it.

I didn't agree with the wording of the Pledge, and it was a matter of my own personal conscience, and I couldn't be hypocritical about what I believed in . . . I am generally proud to be an American, but I object to saying the Pledge for basically two reasons. First of all, I don't think that anyone can demand the recitation of an oath of allegiance. I think loyalty is better proved through daily actions and the way you behave as an American citizen, but more importantly, I object to the actual wording of the Pledge, because the words "liberty and justice

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for all" are inaccurate, and I feel we are hypocritical in saying that as a truth.

Mrs. Russo was observed by her principal. When confronted with his disapproval she wouldn't reconsider her refusal and was asked to resign. When she did not, and since she was not tenured, she was terminated.

The principal had other problems, namely a contingent of students protesting the requirement that they say the pledge. The school board had at first tried to placate them by allowing students to sit through the ceremony on grounds of conscience or religion, but that action threw the town into such an uproar that the decision was rescinded and nonparticipants were threatened with suspension. In Mrs. Russo's case a closed hearing was held and the result was that she was canned. With the help of the New York Teachers Association, she sued to get back her position. The case interested the lawyers because it had a new twist; most previous cases had involved persons who, on religious grounds, refused to swear oaths. Mrs. Russo did not invoke religious belief. Her objections were motivated in large part by racism and the Vietnam war; it was the year of Kent State and the invasion of Cambodia.

Susan Russo had never been politically active, had never, by her account, defied authority, and throughout her ordeal she remained undoctrinaire about her position. While her case was being tried she came to feel that "neither she nor [the school officials] necessarily represented right or wrong. It was simply that we had different ways of being patriotic." She persisted in her fight even after the district court found against her in a ruling that recognized the schools' right to dismiss an untenured teacher. She was unable to teach for nearly three years, failing to be hired by every school to which she applied because of her actions and the notoriety of her case. She and her husband suffered financially since all she could find to do was to go back to graduate school and work in an ink factory.

Late in 1972 the appeals court reversed the lower court's ruling and found in Susan Russo's favor, stating in its opinion that ". . . patriotism that is forced is a false patriotism . . . Beliefs . . . when they involve not easily articulated intuitions concerning religion, nation, flag, liberty and justice, are most at home in a realm of privacy, and are happiest in that safe and secluded harbour of the mind that protects our innermost thoughts." The decision unleashed hostile newspaper editorials, a spate of hate letters and even a death threat. And the schools appealed it to the Supreme Court, which in mid-1973 sustained the appeals court ruling. Mrs. Russo eventually was reinstated, paid $20,000 in damages, and assigned to a new school where the pledge also was recited but where, with no homeroom duties, she would not be involved in the daily ceremony.

It had been a costly exercise of conscience that few teachers would have thought to endure. It is easier to recite the pledge lackadaisically, as students in Mrs. Russo's school seemed to do. Daniel Lang went to the school one day to watch the pledge ceremony:

The pledge was over almost as soon as it began, the boys and girls facing a flag stationed in a corner of their room. I had no sense of being witness to a meditative occasion . . . A few students didn't even say the words, and scarcely for ideological reasons. One boy spent the time wrestling himself out of his sweater; another tossed a pencil into the air a few times; a boy and girl gazed at each other, not at the flag. But the pledge did go forward . . . I felt let down, for, searching the students' faces, I had had no way of knowing what each one of them, privately, inwardly, was bringing to the ceremony; it was impossible to determine whether its observance was worth the dislocation of Mrs. Russo's life, the assemblies of outraged townspeople, the time that had gone into coping with the teacher's unconventionality. In the faculty cafeteria, over coffee, I asked [an assistant principal whose job it had been to read the pledge over the PA system] what he thought about saluting the flag. "What's the harm?" he replied.

David Sanford

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Closet Drama

Buchanan Dying by John Updike

(Knopf; $6.95)

Since John Updike has distinguished himself as a poet, critic, essayist and novelist, it was inevitable that he should experiment in such other forms as biography and playwriting. In *Buchanan Dying* he has at once filled both lacunae in his canon, for his new book is a biographical play. This obvious labor of love is nevertheless only an indulgence for which Updike must be forgiven. His talents give him the right to test them; and whatever the failure of *Buchanan Dying* to come to life as a drama, it is an absorbing piece of writing by a contemporary master.

In a long and fascinating prose epilogue, Updike confides that his original intention to write a novel about the only President to come from his home state of Pennsylvania "was balked, in part, by the many novelistic touches with which Professor [Philip S.] Klein animates his scholarly work." Klein published *President James Buchanan* in 1962. Updike concluded that "with such an intimate reconstruction already in print, there seemed little the fictionist could do but seek another form for the re-ordering of circumstance."

What Updike reorders are the events surrounding "the central mystery of Buchanan's life," his "cruelly blighted love" for the voluptuous Anne Coleman, whose estrangement from Buchanan resulted from her misunderstanding and his diffidence. Because of her death soon after, it was a breach that could not be healed. Buchanan's anxieties and self doubts, which left him a bachelor and paralyzed him as chief executive when the nation desperately needed leadership, are to Updike the legacy of a tragically miscarried romance, although his play suggests that the real tragedy was the romance itself. All the events of the play are seen in flashback from the tragic final act of Buchanan's cramped life, the act of dying.

To achieve a sense of period, Updike eschews the style of *Rabbit, Run* or *Couples* for a portentous prose that might have been printed as blank verse and reads like an American historical play of the 1850s, written under the influence of English 18th-century tragedy. "Well, what is life, for any of us, but a busy dying?" says a character in a line reminiscent in style of Addison's *Cato*. And Buchanan himself sounds ludicrously mock-Shakespearean too often, as in his "My heart is not in this . . . A fight beckons, when all my being strains to mourn, and to mingle its dread with the peaceable dust."

Conscientious is the word for the work, which Updike himself calls with merciless objectivity "closet drama." Still it is likely to be performed as well as read because the author's reputation will stir interest in assessing its actability; and parts of it do flare into life. The several lengthy speeches given to crusty Andrew Jackson evoke the man splendidly, but self-consciousness wrings the drama out of the other dialogue, which is handicapped from the start by the framework of the deathbed. In an afterword "*Apologia Pro Suum Opus*" Updike confesses that nearly 20 years earlier he began a novel with "a stationary hero," but he dropped it until he had determined on "a youthful vision of a tetralogy of which the first novel would be set in the future, the second in the present, the third in the remembered past, and the fourth in the historical past." The first three, he feels, materialized in *The Poorhouse Fair, Rabbit, Run* and *The Centaur*, but the fourth hung unachieved until he thought of the historical figure who pervaded his Pennsylvania boyhood, and determined to research him "as an act of penance for a commercially successful novel."

Updike's penance is now complete.

> *So be it. Here is Buchanan. I am rid of him, and this book, a mosaic with more tesserae than matrix, constitutes, I trust, my final volume of homage to my native state, whose mild misty doughy middleness, between dangerous norths and souths, remains for me, being my first taste of life, the authentic taste.*

Some scenes in the play apparently are lifted out of the aborted fiction; other scenes, such as Buchanan's quarrel with Jackson, and his Cabinet struggles over imminent secession, are adapted from contemporary accounts. Inevitably Updike's protagonist loses dramatic effect because of his own "middleness," his instinct to compromise his way out of any confrontation, which the playwright sees as the aftereffect of the melodramatically drawn encounter with Anne Coleman, whose unrequited passion for Buchanan is inexplicable, yet intensified by his urge to retreat alone to his "narrow bachelor bed." Because he will not risk himself, he will not offer himself.

Later frustrated by such caution Buchanan's journalist friend, John Forney, cries:

> *For twenty years, the prime twenty the Good Lord vouchsafed to me, I slaved for your advancement, poling the dainty skiff of your career through the swamp of Pennsylvania politics. When I cried out "Strike!" you sipped Madeira; when I begged you "speak" you wrote spidery missives that hedged a hundred ways and faded to nothing in the sunlight. You left it to me . . . to sink hip-deep in the muck.*

But Buchanan explains his hesitations by such wary watchwords as "There are no enemies in politics, only potential allies."

To Forney he becomes "a fastidious harlot" who carefully uses people—in Buchanan's own words—as "a slippery steppingstone to Washington." The timidity that causes him to retreat from marriage enables him to back into political favor when an untarnished candidate is required; but an untarnished and vacillating figure is difficult to dramatize. "A hand so timid of blood," complains Edwin Stanton, "should never have touched the helm of State." And when Stanton, referring to the futility of maintaining the Union, declares to Buchanan, "We wrangle over a corpse," the line seems to apply to Buchanan himself. In *Buchanan Dying* the protagonist is a corpse long before he is dead.

Stanley Weintraub

NOTES ON CONTRIBUTORS

JOSHUA RUBENSTEIN *has contributed to* Commentary, Art News *and* The New Republic, *and lives in Boston.* STANLEY WEINTRAUB *is the author of* Whistler: A Biography *(Weybright).* PETER MEINKE *is a poet and critic teaching at Eckerd College, Florida.* JONATHAN BISHOP, *author of* Emerson on the Soul *(Harvard University Press), teaches at Cornell University.* SARA MILES *is a 21-year-old poet living in West Virginia.* ROBERT WALLACE, *whose most recent book is* Ungainly Things *(Dutton), is currently at work on a new collection of poems.*

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Poet as Loser

The Death Notebooks by Anne Sexton

(Houghton Mifflin; $5.95)

When Wordsworth went looking for God, he walked into the woods of his childhood and there He was. In these poems Anne Sexton looks in many strange places for God (oddly, she doesn't try the woods); she apparently finds him in the lavatory. This excremental view of religion and life (buttocks, backsides, enemas, crappers abound in the poems) is a central strand of *The Death Notebooks.*

This is Sexton's seventh book. Some time ago she achieved deserved recognition as one of our most important poets. Here are some of the best poems she has written ("Madonna," "The Fury of Overshoes," "Hurry Up Please It's Time"), some of the series of nine psalms that conclude the book.

However it's not necessary to compare her to Wordsworth to feel that she writes from a narrow and insecure base, making a virtue (and a subject) of her weakness. I was surprised that many of my best female students were infuriated at her seeming dependence (in *Love Poems,* 1969) on male love and sex, as if without them she was worthless, a nothing (by "she," of course, I mean the persona of her poems, not Sexton herself). In *The Death Notebooks* this insecurity, this feeling of abandonment, is transferred from men to God:

Mrs. Sexton went out looking for the gods.
She began looking in the sky—
expecting a large white angel with a blue crotch.

No one.

She looked next in all the learned books
and the print spat back at her.

No one.

She made a pilgrimage to the great poet
and he belched in her face.

No one.

I'm not looking for happy poetry, but for poetry with balance, a center of gravity. The fear of death, of growing old, very strong here, is universal, but there are many ways to face it. One sometimes—not always—gets the feeling that Sexton is asking too heavily for our sympathy: the poet as loser.

For a major poet with a strong voice of her own, she often lapses into definite echoes of other poets, particularly Sylvia Plath. In these exorcist-colored days, I get an eerie feeling when I read:

Mr. Death, you actor, you have many masks.
Once you were sleek, a kind of Valentino
with my father's bathtub gin in your flask.
With my cinched-in waist and my dumb vertigo
at the crook of your long white arm
and yet you never bent me back, never, never,
into your blackguard charm.

Next, Mr. Death, you held out the bait
during my first decline, as they say,
telling that suicide baby to celebrate
her own going in her own puppet play.
I went out popping pills and crying adieu
in my own death camp with my own little Jew.

The same rhythms, the same imagery as Plath, and there are many more examples just as close. Other echoes come from Berryman:

Ms. Dog, how much time you got left?
Ms. Dog, when you gonna feel that cold nose?
You better get straight with the Maker
cuz it's a coming, it's a coming!

and from Ginsberg:

For America is a fat woman dusting a grand piano in
English Creek, New Jersey.

For America is a suede glove manufacturer sitting in his
large swivel chair feeling the goods and assessing his
assets and debits.

For America is a bus driver in Embarrass, Minnesota,
clocking the miles and watching the little cardboard
suitcases file by . . .

But these may be cavilings, or the echoes in my own hollow head. I recommend *The Death Notebooks;* it should be read. Sexton's weaknesses are general and vague, her strengths specific and clear: a lean energetic line, a tech-

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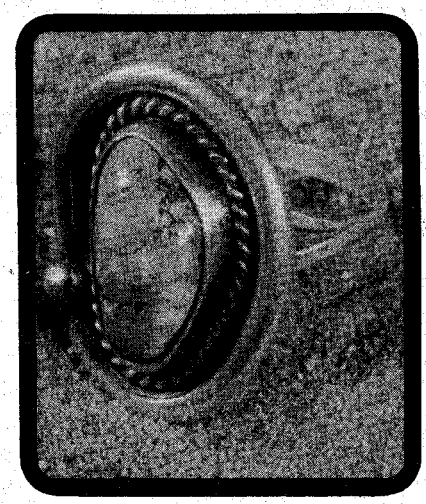

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nical and formal virtuosity, a sharp visual talent applied to psychological states and human situations that we all can recognize.

Peter Meinke

Ideal of the Self

Ralph Waldo Emerson by Edward Wagenknecht

(Oxford University Press; $8.95)

It is usual for studies of classic authors to begin with a review of the changes that have taken place in their reputations. In Emerson's case this is not just an academic convention. The degree of value attributed to his thought, his work and character indicates the prevailing belief in American possibilities. Any book written about him takes its place as part of an ongoing argument. Emerson's position in the American tradition has made it necessary that we all know something about him. It does not settle what he might mean, or whether that matters.

Some of the more recent efforts to answer these questions have sought to make Emerson significant by relating his method to modern ideals of consciousness, symbolism or language. The virtues and faults of the academic mind have marked this work, which has too often been clever without being adult. The Emerson that emerges has been rescued from banality at the expense of losing his milieu and his morals: the philosophic esthete is a more familiar product of our universities than his village.

Edward Wagenknecht pre-dates this species of criticism. His perspective descends from the critical generation preceding ours, which defined Emerson in what amounts to moral terms. If not quite the "wisest American" of well remembered childhood pieties, Emerson can still be recommended as a "balanced soul" ("Portrait of a Balanced Soul" is this book's subtitle) without any of the irony that phrase invites. A senior scholar who has authored a series of previous studies of 19th-century worthies published by the same press, Wagenknecht has composed a "portrait" or character study, hoping to find in Emerson's well known disposition to equilibrate society and solitude, nature and spirit, fate and freedom and many other polarities a key to his achievement. There is a certain old-fashioned pleasure in contemplating another effort in this kind, which after all Emerson himself adorned once upon a time.

Wagenknecht claims he will concern himself rather with the poet than the thinker—already an old-fashioned distinction. Certainly he is casual about the complex religious and intellectual background to Emerson's emergence. His review of the external biography is also perfunctory and seems to presume a reader capable of consulting more thorough authorities. He cares about the Emersonian "temperament": boldness, detachment, stringency, illusiveness. Emerson's famous "optimism" comes up for review and qualification. Opinions, preferences, aversions, habits are assembled; the relation to money, mysticism, art, science and society are addressed in order, category by category, trait by trait: this is how a "portrait" used to be built up. Perhaps Wagenknecht is at his best on Emerson's "manners"; manners after all are the concrete of character, and good stories are always available.

A serious difficulty lies in the painful truth that it takes character to show it in another. Good portraits are painted only with the help of powers comparable to those latent in the figure depicted. A kind of criticism that can be practiced impressively by a John Jay Chapman or an Ivor Winters will seem obsolete when tried by more ordinary men of letters. That unfortunate overtone to his subtitle turns out after all not to misrepresent Wagenknecht's style. More energy is required; and a better ideal of the self than equilibrium can offer.

It is true that equilibrium provided Emerson with a formula by means of which to organize essays and books—and a dependable social disguise as well. But a critic need not assent to his author's defense. A less temperate principle would prove more accurate as well as more interesting as a guide to any new "psychography." Emerson was not really a balanced man, however hard he may have tried. Nor was he always of a piece, as Wagenknecht's method obliges him to pretend. In the course of a sometimes dangerously strained lifetime he changed more than once.

Wagenknecht is most appealing when he forgets to be balanced about balance, and shows his annoyance at Emerson's chilliness or his excessive partisanship

Swimmer in the Rain

No one but him
seeing the rain
start—a fine scrim
far down the bay,
smoking, advancing
between two grays
till the salt-grass rustles
and the creek's mirror
in which he stands
to his neck, like clothing,
cold, green, supple,
begins to ripple.

The drops bounce up,
little fountains
all around him,
swift, momentary—
every drop tossed back
in air atop
its tiny column—
glass balls balancing
upon glass nipples,
in an eye-level
lace of dimples,
incessant, wild:
a field of stars.

White, dripping, tall,
ignoring the rain,
an egret fishes
in the creek's margin,
dips to the minnows'
sky, under which,
undisturbed, the tide
pulls steady as wind.
Mussels hang
like grapes on a piling.
Wet is wet.

The swimmer settles
to the hissing din—
a glass bombardment,
a parade of diamonds,
blinks, jacks of light,
wee Brancusi's, chromes
like grease-beads sizzling,
myriad—and swims
slowly, elegantly,
climbing tide's ladder
hand over hand
toward the distant bay.

Hair and eye-brows
streaming, sleek crystal
scarving his throat—
no one but him.

ROBERT WALLACE

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during the Civil War. There seems to be a testy Christian in him, too; I wish he had realized how very un-Christian Emerson was. It is worth taking sides, even wrongheadedly, about interesting topics; the reader can make the corrections required. And Emerson is still an interesting topic. The hint, as he might have said, is still in need of translation.

Jonathan Bishop

Fine Print

The Big Book; the ABA

Doris Grumbach

There will be, have already been, major reviews of the Carl Bernstein-Bob Woodward **All The President's Men** (Simon and Schuster; $8.95). Another would be pointless if there were not three matters I feel compelled to note:

First it is prime mystery-detective story, a how-we-came-upon-and-followed-up-and-then disclosed-the-whole-mess of-Watergate. But to approach the book this way would be to write a review of a review of the newsbreak that has made American history. The *matter* of the book (which, with BOTM sales, serial rights, paperback and movie revenue should make the reporters close to a million dollars) is the engrossing play-by-play narrative of how it all started, how two enterprising, very bright, young (Woodward is 31, Bernstein 30) reporters for the metropolitan side of *The Washington Post* investigated relentlessly what Ron Ziegler, early on, called " 'a third-rate burglary attempt,' not worthy of further White House comment."

Even if I had read it all before, in local papers, in *The New York Times*, *Time*, in B and W's (and other reporters') pieces in the *Post*, or Walter Pincus' in these pages, I couldn't help being caught and held by this running account. It is excellent how-to-do-it-so-it-works journalistic reporting, transmuted into a book that doesn't stop, as the daily columns must, but mounts in evidence and interest from that fateful break-in in June '72 until March '74. Its major accomplishment is that, although one knows how it "comes out," the book manages to create suspense as it proceeds. I don't know, for instance, who Deep Throat (their well informed informant inside the White House) is, and that allows for all kinds of uninformed guesswork. Even knowing the conclusion does not destroy the suspense. It reminded me of a remark I once heard during the intermission of a performance of *Romeo and Juliet*. Gentleman: "Do you want to stay?" Reply: "Oh, yes, I want to see how it ends."

Second, there is a small point of criticism. In fairness W-B themselves are self-critical in places, or at least able to acknowledge where they may have overstepped reportorial propriety. Sometimes they are unaware they have done so: witness Bernstein's account of his search of Pentagon personnel records for information on a political candidate from Florida. Their occasional rebellion against authority and resentment of superiors who did not give them their full head, their personal disappointments and distrusts are all here, making the account of their adventures believable and human, as well as fascinating insight in how reporters (and newspapers) work.

Third, *All The President's Men* illustrates how teamwork can produce a best-seller. The material, assuredly, is sensational but hardly new to anyone who can read or hear, but the form it takes here is what makes it successful as a book. So I applaud all the cooperating elements that must have gone into its composition: the editors and owner of the *Post*, the persons who were willing to talk to the reporters, including the main supporting player, Deep Throat, the President of the United States and his Men who surely cooperated in a way that few stars ever do in the theater, the reporters themselves, and Alice Mayhew their editor, "whose thought and guidance are reflected on every page," W-B themselves acknowledge.

I suspect her superb editorial hand everywhere, especially in the choice of narrative device; W-B write of themselves in the third person so they can say such things as: "Bob Woodward was a prima donna who played heavily at office politics . . . Bernstein knew Woodward couldn't write very well. One office rumor had it that English was not Woodward's native language." And "Bernstein looked like one of those counterculture journalists that Woodward despised." Unlike Mary McCarthy's recent book of Watergate reportage (*The Mask of State;* Harcourt Brace Jovanovich; $7.95) in which the "I" too often preempts the foreground, W-B are subordinated to events, where they belong. With such a tale to tell, who needs the voice of the storytellers?

Last week the **American Booksellers Association** (ABA) met in Washington. For four days, early-morning breakfast gatherings to late-night alcoholic happenings, booksellers from Chico, California; Dow City, Iowa; Sunny South, Alabama, met to discuss trade problems: backlisting titles, selling hardcover books in the face of paperback publishing, the sorry state of hardcover fiction sales, space and display difficulties, local censorship, spiraling costs of books. They met with publishers and their publicists in aisle after aisle of display booths to find out what they should be ordering for the fall and winter. And they rushed toward celebrity-authors, brought to town by publishers in promotion efforts, their books or paper in hand for autographs, eager to bask in the plastic sun of manufactured and then printed fame.

It was, and apparently usually is (ABA

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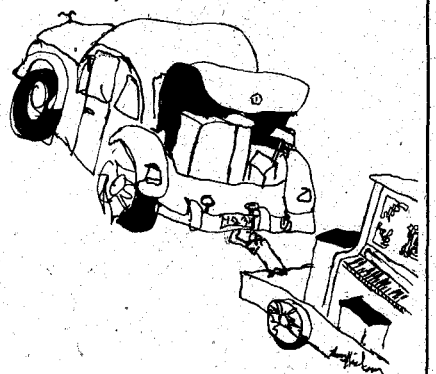

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is now 74 years old), a circus as well as a convention, with full complement of sideshows. I could have acquired tidbits of French cooking, balloons, houseplants, ping pong balls, buttons, plastic carrying bags, passport covers, even some books and book lists. Hucksterism prevailed over solid book displays and examination of books in some places; in others, especially in the room into which the smaller presses were coralled, there was underplayed, genuine effort on the part of minor publishers to establish themselves and their products—books.

The Washington Post gave a huge cocktail party for authors, including their own Woodward and Bernstein, editors, reviewers, etc. Invitations to it recalled, ruefully I hope, that the occasion was inaugurated at its celebration two years ago for its now-reduced and re-formed *Book World*. If there were any booksellers there they were lost amid the dazzle of celebrities, especially Robert Redford, in Washington, I was told, to research his picture and his role of the enterprising young reporter Woodward. Other parties, called "receptions," were held by publishers for their writers; it was even possible, one crowded night, to come quite close to famed stripper Blaze Starr whose "my life as told to . . ." promises to be what is called, coolly in the trade, a hot property.

All the flapdoodle raises the question: who benefits from all this ballyhoo and hawkerism? I'm told it's a valuable few days for small booksellers, who rarely see salesmen from major publishing houses. They place orders at the booths (which are manned almost entirely by the company's salesmen). At this meeting more than one million dollars in orders were placed, some of them mass orders for book lots intended for remaindering. I heard one purchaser say to a salesman that he wanted $10,000 worth of books. "In what categories?" And then he checked his "categories" off: "Cook books? Sports books? Psycho stuff? . . ."

But most booksellers come to learn about which books will be promoted ("pushed" was the word I heard used), given major advertising and author appearances, so they can know where to put their own purchasing emphasis. They enjoy meeting authors face-to-face, and many formed long lines to get autographs of any writer who would sit down long enough to write his name. To their credit there were many who wanted to meet Sen. Tom Eagleton whose book, *War and Presidential Power: A Chronicle of Congressional Surrender* (Liveright) will appear in the fall. Longer, more avid lines formed before the young, shining face of Jeb Stuart Magruder, whose confessions, *An American Life: One Man's Road to Watergate* (Atheneum; $10), will appear this month. I overhead one whitehaired lady bookseller pressing the "charming, intelligent, intensely ambitious" young man's hand murmuring, "Oh, Mr. Magruder, I *do* wish you luck. I am going to be praying for you." The quoted adjectives for the young man are from the book jacket. The day after his autograph session, Jeb Magruder went to jail for conspiring to obstruct justice.

But if I had been quick, nimble and interested, I could have shook the hand or acquired the signatures of such celebrity-turned authors as Bette Davis, Billie Jean King, Marilyn Monroe's first husband, Julie Andrews, Dick Cavett, and many more. Or of some genuine authors: Maya Angelou, Studs Terkel, Sol Stein, Garson Kanin, Erica Jong, James M. Cain, George Plimpton, many more.

Taken all together ABA is a disheartening experience. Few people there talk about books as books. It is as if, Digby Diehl of the *Los Angeles Times* pointed out, everyone were engaged in the business of selling cans of soup. Even if a bookseller wanted to examine the *contents* of a book, most of the about-to-be-published titles on display were dummy books wrapped in their prospective jackets: emblems, as Hawthorne would have called them, of the whole phenomenon of book hucksterism.

Books are big business. Last year almost 40,000 books were published in this country, grossing publishers 3.2 billion dollars. But booksellers are uniformly unhappy about *their* gross. Hardcover sales, it is true, are down from other years, reflecting no doubt high prices, which in turn reflect the rising costs of printing, paper, shipping, etc. Booksellers are not happy with the way paperbacks (especially of fiction) follow hard on the heels of hardcover editions, thus making those sales difficult. But they are, after all is said of their cultural function—and precious little *is* said about that—interested in best-sellers rather than best books because best-sellers make money for them. They are concerned with the best display of best-sellers, and the most energetic promotion of best-sellers through advertising and author-appearances. The business of books is good business. ABA meets, in part, to prove that.

Facial Mask

(found poem, advertisement in Sunday edition, 1973, of the Baltimore Sun)

As long as you have dead cells they lock impurity in.
Men shave and remove their dead cells.

Dead cells lock in your expression lines.
Men shave and remove their dead cells.

The dead cells cause blotching.

The dead cells harden the skin over the lips.

The dead cells lock in impurity.
Men shave and remove their impurities.

This is a woman's problem only.

It is all an accumulation of dead cells.

SARA MILES

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Correspondence

Readers on Abortion

Sirs:

The New Republic ("Abortion and the Law," May 18, 1974) asserts that the Roman Catholic hierarchy, "by working to legalize the dictum that a human person exists at the moment of conception, has produced an *ugly confrontation* not only with the Supreme Court, but also with a large segment of Protestantism and reform Judaism." What is the basis of the *"ugly confrontation"* charge?

The New Republic also charges that the Catholic hierarchy is demanding that private doctrine be made public law, straining the ecumenical spirit. First of all, the US Catholic Conference sees the right to life as a basic human right that should be protected by law. This primary point is affirmed by the UN Declaration of Human Rights, as well as by the Declaration of Independence and the Constitution of the United States. The Catholic Church also teaches that abortion, the deliberate destruction of an unborn human being, is contrary to the law of God and a morally evil act. As the USCC testimony indicates: "[W]e do not ask the civil law to take up our responsibility of teaching morality, *i.e.*, that abortion is morally wrong. However, we do ask the government and the law to be faithful to its own principle—that the right to life is an inalienable right given to everyone by the Creator."

Secondly, the ground rules of ecumenical dialogue require each partner to the dialogue to clearly enunciate its position on the specific matter under discussion. This the USCC sought to do in its testimony, and it is this position that is now being raised for discussion with representatives of Judaism and other Christian bodies. Distortions of Roman Catholic intent and Jewish and Protestant reaction by *The New Republic* and other journals serve neither truth nor ecumenism.

In taking the position that unborn human life is sacred and deserving of legal protection, we are aware that questions immediately arise: Is the unborn child a human being? A person? When does human life begin? Lawrence Lader notwithstanding, these questions are not answered by the simple assertion that the debate "revolves around a religious concept that can never be definitely settled." It is far more complex than that, and it requires careful consideration of scientific, medical, legal, social and philosophical insights. Contrary to *The New Republic* editorial, the Supreme Court ignored these other facets of the discussion, and in the paragraphs immediately following the quotation cited in the editorial, the Court argued that "there has always been strong support for the view that life does not begin until live birth . . . In areas other than criminal abortion the law has been reluctant to endorse any theory that life, as we recognize it, begins before live birth or to accord legal rights to the unborn except in narrowly defined situations and except when the rights are contingent upon live birth . . . Perfection of the interests involved, [in inheritance cases] again, has generally been contingent on live birth. In short, the unborn have never been recognized in the law as persons in the whole sense."

In reaching these conclusions, Justice Blackmun acknowledged that "physicians and their scientific colleagues have . . . tended to focus either upon conception or upon live birth or upon the interim point at which the fetus becomes 'viable'. . . ." The serious discussions of scientists, ethicians of varying religious convictions and legal scholars did not deter the Court from imposing its very narrow and uncertain view on this nation.

If *The New Republic* has "no way of knowing how accurately the Catholic hierarchy is reflecting its own membership," journalistic integrity requires that it take a careful look at the editorial positions of many Catholic journals, and that it be more accurate in describing such editorial positions than it has been with *Commonweal*. Moreover, the reference to "the recent Gallup poll" omits the Gallup findings reported in *The Washington Post* (April 7, 1974) that the public is closely divided on permitting a woman to obtain an abortion during the first three months of pregnancy. Among Catholics, 61 percent were opposed and 32 percent in favor, and 69 percent of Catholic women were opposed, with 27 percent in favor.

The New Republic asserts that "no one should be denied his right to oppose abortion." Yet the remainder of the paragraph is an attempt by *The New Republic* to restrict the exercise of that right according to criteria set up by *The New Republic*. I am hard pressed to understand this type of elitism or paternalism on the part of *The New Republic*. No matter, the Constitution also provides opportunity for congressional discussion and legislative activity, and that is the forum the US Catholic Conference chooses to use.

The New Republic predicts that if the "amendment were passed and abortion outlawed . . . we could expect the recent sharp decline in maternal mortality rates to be reversed." According to figures supplied by the US Bureau of Vital Statistics, maternal mortality rates have continually declined for the past 25 years, and maternal deaths due to abortion reached a low of 120 women throughout the nation in 1971. Provisional data show an increase to 140 in 1972. The decline is not considered a sharp decline, and the current low rates seem to be the lowest that can be expected.

The New Republic has asserted that "the ferocity of the charges made by Catholics against defenders of legal abortions—'murder,' 'Nazi genocide'—have provoked outrage on the other side." Nowhere in the USCC testimony or in the discussion before the Senate subcommittee did the word murder appear, nor did the four cardinals accuse anyone of such acts. *The New Republic*'s assertion is untrue and misleading, and in the context of its concern about ecumenical harmony, its use of this characterization as the basis for Bishop Burt's remarks is dishonest.

In similar fashion, the discussion of the Boston cases as examples of what might happen is unfounded. Dr. Edelin is reportedly under indictment for causing the death—by neglect or positive act—of a child that survived the abortion and was alive. Details of the indictments are not available, but no abortion law permits the destruction of a living child, regardless of its stage of maturity when prematurely delivered or aborted. From reading *The New Republic*'s description of this incident, it is unclear whether you believe that such actions—more properly described as infanticide—should be legally acceptable. Up till this point in time, there has been a consensus that once a child is aborted and is alive, everything should be done to preserve the child's life. Once again, this consensus is being challenged, particularly in the case of children who may have some genetic defect. Moreover, experimentation on aborted fetuses is another of these issues now under serious consideration by scientists and ethicians. *The New Republic*'s entire treatment of the Boston cases,

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and the implications therein, is shameful.

I do not agree with the constitutional requirement of the Greek city-state of Locris. But since *The New Republic* has chosen the example, it can be applied appropriately to the Supreme Court of the United States for its abortion decisions of January 22, 1973. In these decisions and the majority opinion, the Court far exceeded the judicial responsibility by imposing its own moral viewpoint on the nation, and writing a national abortion law that is unacceptable.

Rev. Msgr. James T. McHugh
Director, Family Life Division
United States Catholic Conference

Sirs:

Those opposed to abortion see it as a pre-natal form of infanticide, a crime which I trust *The New Republic* still believes society has the right to forbid. It should be obvious that those who hold that position are compelled to seek remedy for this pervasive slaughter *in the law*. It should also be obvious that those who hold otherwise do *not* thereby have the right to go merrily aborting away, for one's humanity is not dependent upon the opinion of others but rather is inherent to one's being human. And it is the law that must correspond to this inherency rather than the other way around.

One other point: your concern for "the ecumenical spirit" struck an odd note, this being the first time I have encountered in *TNR* a concern for the unity of the Church of Christ or for anything christic, for that matter. However now that this laudable interest is awakening within you let me inform you that a true ecumenism always is subordinated to the will of God—as for instance in the commandment "Thou shalt not kill." And by the way you could do better to show pluralism among Catholics than by quoting Mary Daly who is about as Catholic as Genghis Khan.

Edward T. Oakes, S.J.
St. Louis, Missouri

Sirs:

I do not like arguments that, implicitly at least, tend to suggest that certain religious or ethnic groups who support legislation based on their ethical (not *doctrinal*, a point the editors confuse in their example of "kosher food") considerations are trying to subvert basic American principles. I particularly do not like them when such arguments are directed against my coreligionists. But my point in writing this is not to complain because of some personal gripe; it is to present to you what I feel are the facts.

First, what about *TNR*'s statement that ". . . laying down the law is an expedient of last resort, and what is true for the family is true for the society. It is especially true when a controversy turns on conscience, and where there are deep and sincerely held differences in interpretations of 'right' conduct . . ."? Surely *TNR* wouldn't argue that because there were those who felt—on religious, Biblical grounds—that black Americans were not deserving of civil rights because of their alleged inferiority, that others who in conscience disagreed had no duty or right to seek laws protecting those rights. As a conservative, I agree that laws should be a last resort, but we should not blur the distinction between this important guide and the equally important right of every person to seek to have laws that will protect basic human and civil rights of all individuals, as he sees those rights. In the case of abortion the issue is clear: those who favor the constitutional amendment feel that on both ethical and constitutional grounds every human being, at every stage of his development, deserves protection of the laws. The arguments about "deep and sincerely held differences" simply don't hold up, as can be seen in *TNR*'s long history of supporting and calling for laws that are based on ethical views not shared by all Americans. When it comes to the crunch, *TNR* has always (rightly, in my view) held that although there are some religious or ethical sensibilities that are going to be hurt by certain legislation (*e.g.*, civil rights), if the greater public good is served, it is worth the "controversy."

Next, *TNR* writes, ". . . By working to legalize the dictum that a human person exists at the moment of conception . . . Catholic hierarchy has produced an ugly confrontation not only with the Supreme Court, but also with a large segment of Protestantism and reform Judaism. . . ." In the first place the Buckley amendment (which, after all, is one of the aspects of "law" that is referred to in the title of the editorial) does not mention "moment of conception" and neither the senator nor his cosponsors ask anyone to support the amendment because of some "victim" of the hierarchy. But more important than that is *TNR*'s total neglect of the scientific, as opposed to theological, facts concerning the questions of the humanity of the fetus.

When the egg is fertilized by the sperm the genetic code that then—and only then—comes into existence is unique. The being that is created is biologically neither the *father* nor the *mother* but *itself*. Next, by the categorizations made by genetic scientists themselves, the being that bears that genetic code must be placed in the category of "human being," because it bears the 46 chromosomal pattern unique to normal humans; it quite simply (and quite scientifically) does not belong to any other kind of genetic category. This is an extremely important fact and one that is usually ignored by pro-abortion-on-demand advocates. This is not religious dogma; this is undeniable scientific fact. Data on the "humanity" of the fetus has been established by Dr. Albert Liley, the father of the science of fetology (who is, by the way, in favor of the amendment). The human fetus is human offspring and nothing else but human offspring and is therefore *human*. The fact that we may not *perceive* it as human (a fetus looks "strange") is not the fault of the fetus but that of our perception. The amazing growth of scientific knowledge in the past 10 years shows more and more clearly (especially in fetology) that the fetus is *a human being*. Whether or not it is a *person* in the constitutional sense of the word is, of course, the real issue. Here we have a human being. What *value* do we place on his life? That is the question. Religious dogma or doctrine have no bearing whatsoever on the fact of his humanity.

The New Republic speaks of the "ferocity" of the charges made by "Catholics" against defenders of legal abortion. I too deplore "ferocity" on the part of some pro-life advocates, but it would have been more helpful if *TNR* had stated that many of the pro-abortion advocates are equally ferocious. And why the use of "Catholics" to describe all those who support the constitutional amendment? Surely the seven non-Catholic senators cosponsoring the Buckley amendment are not dupes of Rome or men of no conscience? Certainly many Catholics are in the forefront of this struggle. But this does not make it a "Catholic" struggle in the sense that only those doctrines peculiar

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to Catholicism are involved.

Finally, abortion-on-demand is what we are talking about. The trimester division of the Court decision in no way limits a woman from getting an abortion, since even during the last trimester she can get it for reasons of "health," a word whose broad interpretation makes it inevitable that abortion-on-demand is what is being allowed.

William F. Gavin
Special Assistant to
Sen. James Buckley
Washington, DC

Sirs:

Responses to your editorial on "Abortion and the Law." (Correspondence, *TNR*, June 8, 1974) lend substance to your fear of "an ugly confrontation" threatening the "whole fabric of mutual toleration" in American life. Some of these correspondents refer to themselves as "pro-life" and their opponents as "anti-life," or treat abortion as "wholesale slaughter of the unprotected young," or link their opponents to materialism and the condoning of sexual irresponsibility. Several treat your editorial as anti-Catholic and perhaps even as anti-civil libertarian.

I did not read your comment as an anti-Catholic statement. Nor were you questioning the legal and constitutional right of Catholic leaders and others to seek a new amendment. You expressed concern for the ecumenical climate of mutual toleration, and you clearly specified the propriety of anybody's opposing abortion, even to the point of demonstrating in the streets. What you questioned was the moral *wisdom* of a course of action that inevitably will prove deeply divisive in American life. What you were warning against, I take it, is any group—however sincere or large—seeking to use the engine of state to *force* people to behave in accordance with *its* moral convictions and contrary to their own. The Buckley amendment, by defining all fetal life from conception on as fully human and fully personal would do this with a vengeance! Every abortion would become almost on the face of it an act of premeditated murder. There are indeed ominous overtones in the Boston indictments of a physician for performing abortions, to which your editorial made reference, even though the charge there is "only" manslaughter.

Criminal law invariably enshrines moral conceptions, and one would not want to oppose in principle all attempts to implement moral objectives with criminal law. But in the present instance those who oppose the effect of the Supreme Court ruling need to remember that there are millions of equally sincere, equally moral people who flatly disagree with them. The proposed amendment would do incalculable mischief, not simply by stirring up political controversy (something that is not bad in itself) but by defining millions of American women and their physicians as murderers and those who support them as accomplices to murder. Recriminalization of those who support them would undoubtedly drive countless people outside the law and return us to the days of the coathanger abortions and other perils.

Many of us who support the Supreme Court's decision do so on the moral and theological ground that a particular pregnancy can be contrary to God's loving will for human life and that at some point early in pregnancy it may be a wise and moral decision to abort. Those who hold this position believe that it is "pro" life and not "anti" life to plan responsibly for the birth of children who will be loved and for whom their will be enough life-sustaining resources. We do not believe that heavy-handed coercion in this sensitive field is really life-affirming.

In writing these lines I remain fully appreciative of many ecumenical relationships with persons who disagree on this issue. I trust our mutual ecumenical ties are strong enough to withstand serious disagreements. Perhaps we can all learn something important from the history of ecumenical movements among Catholics, Protestants and Jews in recent years; that we can disagree honestly without questioning each others motives and, one may hope, without leaping too quickly to bypass the moral dialogue with coercive law.

J. Philip Wogaman
Dean, Wesley Theological Seminary
Washington, DC

Sirs:

You end your article, "Abortion and the Law" with the "key question" as posed by Robert E. Burns: "Does any group have the right to use its political muscle to impose its moral views on other citizens who do not share those views?"

Hell, yes! And nobody knows this better than the editors of *The New Republic*. . . . It is easy to regard unwittingly our own views as sure blueprints for the perfect society ("public doctrine"), while dismissing as matters of private taste the moralities of others ("private doctrine"). What would the editors of *TNR* have said to the pre-Civil War Southern bigot who argued: "I don't mind anyone treatin' slaves as people if they want to, but don't go forcin' your views on me"? We might have responded that slaves *are* people, a reply the effectiveness of which could have been shattered by crying "metaphysical speculation." Or could it?

The Supreme Court, by ignoring the question of life's beginnings, has not taken the neutral course. Rather it has assumed that since the presence of human life cannot be resolved scientifically, it does not exist prior to three months before birth. A metaphysical decision has been made, either that life does not exist in these circumstances, or that the possibility of proving life's existence does not exist.

In short, only anarchy can await all who feel that in a political society no one is permitted to decide at the expense of others.

Vaughn C. Nystrom
Ridgewood, NY

Kauffmann, *from page 20*

with Ted Shine as consultant. The Free Press publishes it at $19.95 (which, as anyone can see, is less than $20). It's not an unfair price these days, considering that the book has 886 large double-columned pages and that there were many permission fees to pay.

Hatch has done some good research, though his notes are hardly exemplary writing. The level of the plays doesn't vary much: some of them are good, but most of them are mostly interesting for cultural-historical reasons. Still, that's also true of most anthologies of plays by white Americans. How many first-rate American plays *are* there? The point of this book is to help illuminate a neglected aspect of our theater culture, which it does.

The first play is by that (apparent) genius of acting, Ira Aldridge, who had to go to Europe to have a career. *The Black Doctor*, which he adapted for his own use from a French original in 1847, is a romantic melodrama about the title

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character, a West Indian, who marries a Frenchwoman and gives his life to save her from the consequences. Not exactly the tone or subject of the last play, a kind of chant-celebration by Val Ferdinand of the Free Southern Theater. In between are names I happily expect like Adrienne Kennedy and Langston Hughes, names I not quite so happily expect like Ed Bullins and James Baldwin, names I dread like Lorraine Hansberry and (in his playwriting guise) Douglas Turner Ward, and many names previously unknown to me.

One point: Hatch notes that Paul Green, "a white dramatist," collaborated with Richard Wright on the dramatization of *Native Son*, included herein. In his preface to the next play, *District of Columbia*, Hatch says that the author, Stanley Richards, is the only white dramatist in the anthology.

But this is a bountiful book, nicely produced, essential for the American drama shelf.

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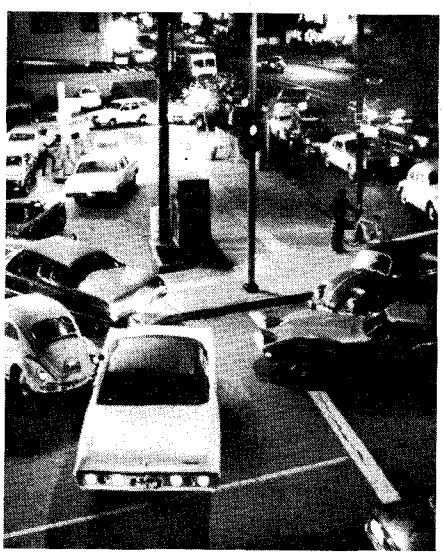

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- Third, government must limit multiple ownership of energy sources, compel oil companies to provide accurate data to the American people and enforce vigorously our antitrust laws.
- Finally, the Federal government must set up firms to import petroleum products, produce oil and gasoline here at home (providing a yardstick on costs) and develop alternate sources of energy—solar, geothermal and hydrogen—in the United States.

We in CWA know the energy crisis is a continuing peril to our country. We need prompt, responsible action—and that is what we propose. Failure to act now will place our nation in mortal danger. That's why our memories must be longer than the gas lines.

*A summary of the report is available upon request.

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